

UNIVERSITY OF ILLINOIS BULLETIN

THE KERNER REPORT REVISITED

Final Report and Background Papers

ASSEMBLY ON THE KERNER REPORT REVISITED

Edited by Philip Meranto

THE INSTITUTE OF GOVERNMENT



and PUBLIC AFFAIRS

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Final Report and Background Papers
ASSEMBLY ON THE KERNER REPORT REVISITED
Allerton House, Monticello, Illinois
January 11-13, 1970
Edited by Philip Meranto

INSTITUTE OF GOVERNMENT AND PUBLIC AFFAIRS
UNIVERSITY OF ILLINOIS
JUNE 1970

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FOREWORD

Well over a year ago, the National Advisory Commission on Civil Disorders published its far-reaching report identifying the causes of urban racial violence. This important government document made a wide range of recommendations that should be implemented if future racial disorder is to be averted. The Commission became known as the Kerner Commission in deference to its chairman, then Illinois Governor and now U.S. Circuit Judge Otto Kerner.

As with many study commission reports, there is a tendency to file the report and to virtually ignore its recommendations. To see if this was the case, and to review the recommendations, the Institute of Government and Public Affairs devoted its twelfth public affairs assembly to the topic of the *Kerner Report Revisited*. The Assembly was held at the University's conference center at Robert Allerton Park, Monticello, Illinois, January 11-13, 1970.

Judge Kerner was unable to participate, but he did write that "You and the Assembly are doing precisely what the Commission hoped would be done at a federal level where there would be an assembly point for gathering information, analyzing it and drawing conclusions. You have no idea how pleased I am that you have assumed this responsibility."

Participating in the Assembly were some forty Illinois leaders from political life, business, journalism, and the academic world. They were chosen for their knowledge and interest on the topic under discussion. The participants were divided into three round-table groups for discussion and a "Statement of Findings" was adopted by the participants at a final plenary session.

To aid the Assembly participants in their discussion, background papers were prepared on the various areas that were of concern to the Kerner Commission. Emphasis was on the implementation of the Commission recommendations in Illinois and elsewhere. The authors were given maximum freedom in preparing their papers, and the views and interpretations are their own. The authors are from several academic departments of the University of Illinois. We are grateful to them.

We are also grateful to the Assembly's two keynote speakers, Professors Mack Jones and David Olson, and to Chancellor Jack Peltason for his opening remarks. Lastly, we thank all the participants for their fine contribution to the success of the Assembly.

SAMUEL K. GOVE
Director, Institute of Government
and Public Affairs

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REPORT OF THE ASSEMBLY

REPORT OF THE ASSEMBLY

The participants in the Illinois Assembly on the *Kerner Report Revisited* meeting at Robert Allerton Park, Monticello, Illinois, January 11-13, 1970, approved this summary of their findings at the conclusion of their discussions. Since there were dissents on particular points, it should not be assumed that every participant subscribed to every detail of the statements contained herein.

I

The Assembly concludes that the *Kerner Report* (*Report of the National Advisory Commission on Civil Disorders*) was a forthright effort to respond to the racial disturbances of 1967. The fact that the Commission dispelled the notion that outside agitators stimulated disorder and implicated white society as being responsible for ghetto conditions, and the accompanying violence, was viewed by the Assembly participants as an important but incomplete contribution to public understanding.

II

The *Report*, however, also had several shortcomings. Its basic finding that "white racism" was the fundamental cause of racial disorders and the emphasis placed upon that finding by the mass media have given the erroneous impression that the guilt of white society is simply a matter of prejudicial attitudes. The *Kerner Commission Report* failed to specify exactly what was meant by white racism and largely ignored the problem of institutional racism — the less overt, more subtle acts that sustain and perpetuate racist policies in virtually every American institution. Thus, the *Report* placed too much emphasis on changing white attitudes and underplayed the importance of changing white

behavior and the basic structure of such institutions as schools, labor unions, and political parties.

The Commission also failed to note that many whites may not be motivated primarily by racial prejudice, but may be responding to what they feel is an objective threat to their own self-interest. For example, white construction workers may oppose black workers, not only because of racial attitudes, but also because of labor market characteristics.

Additionally, the *Report* tended to dismiss too easily the growing emphasis of black nationalism within black communities and thus failed to deal with the implications of this changing mood for the larger society.

III

The shortcomings of the *Report* itself are not so important as the shortcomings of white society in rooting out racism. The background papers and discussions made it clear that during the past two years black people in Illinois have gained very little relative to white people in such areas as employment, education, and housing. In short, the reception of the *Report* by the government and the people to which it was addressed has been extremely disappointing. Consequently, the Assembly participants strongly urge that this state and the nation be put on a "crisis footing," which includes making a major commitment of resources for implementing the *Report's* recommendations. Such a commitment would necessitate a considerably increased public sector and a reallocation within the public sector from military to domestic expenditures.

The stimulation of such a commitment requires the mobilization of political resources. Consequently, the Assembly urges white society to support and facilitate the development of black organizations and black political action. Further, the Assembly urges all segments of white society to recognize their own self-interest in achieving racial justice and to engage in political action directed toward that goal.

Finally, the participants were deeply disturbed by the inclination of some governmental bodies to respond to black needs

with repression rather than reform. America cannot be a just society if repression is substituted for redressing the inequalities of our society.

IV

Our extremely common response of political leaders is the creation of commissions whenever an especially intractable problem appears on the political scene. Commission studies too often serve to deflect attention from the problems at hand and to reduce the level of political activity that might be undertaken to solve them. Regrettably, the *Kerner Report*, through no fault of the Commission, has fallen into this pattern.

The habit of appointing commissions also indicates a tendency to study problems to death rather than to institute meaningful action. The Assembly believes this particular problem has had sufficient study by commissions and that the energy of responsible authorities should now be directed to the implementation of reforms which are essential to peace and justice in the society.

BACKGROUND PAPERS

THE KERNER REPORT REVISITED: AN OVERVIEW

PHILIP MERANTO

On July 28, 1967, after four summers of unprecedented racial disorders in American cities, President Lyndon Johnson established the National Advisory Commission on Civil Disorders. The President directed the Commission to deal with three basic questions concerning the outbreak of urban violence: (1) What happened? (2) Why did it happen? (3) What can be done to prevent it from happening again?

Under the direction of Governor Otto Kerner of Illinois (Chairman) and Mayor John V. Lindsay of New York City (Vice Chairman), the Commission launched the nation's most comprehensive investigation of racial strife. Commission members¹ and their staff visited riot cities, conducted numerous hearings, and consulted with a wide variety of knowledgeable individuals. In March, 1968, the Commission delivered, to the President and the American public, a 581-page report detailing their findings.

Concerning the question of what happened, the Commission established several important facts. Contrary to a widely held public impression that many of the disorders were planned by black extremist organizations and/or communist conspirators, the Commission reported that it "found no evidence that all or any of the disorders or the incidents that led to them were planned or directed by any organization or group, international, national, or local."² While the *Report* indicated that there was no such entity as a "typical" riot, several common features were identified. It was found, for example, that violence did not erupt as a result of a single precipitating event, but was usually generated out of a series of tension-building incidents which occurred over a period of time and were capped by a quite often routine event (generally involving police action of some sort) which triggered the disorder. Once the disorder broke out, the targets of violence generally

¹ In addition to Chairman Kerner and Vice Chairman Lindsay, the Commission included: Senator Fred R. Harris; Senator Edward W. Brooke; Representative James C. Corman; Representative William M. McCulloch; I. W. Abel, President, United Steelworkers of America; Charles B. Thornton, Chairman of the Board, Litton Industries, Inc.; Roy Wilkins, Executive Director, National Association for the Advancement of Colored People; Katherine Graham Peden, Commissioner of Commerce, State of Kentucky; and Herbert Jenkins, Chief of Police, Atlanta, Georgia.

² *Report of the National Advisory Commission on Civil Disorders* (New York: Bantam Books, 1968), p. 9.

consisted of the symbols of white society, authority figures, and property in the ghetto, rather than white persons. The overwhelming majority of the individuals killed or injured as a result of the violence was Negro civilians. The *Report* described the typical rioter in the following manner: "a teenager or young adult, a lifetime resident of the city in which he rioted, a school dropout; he was, nevertheless, somewhat better educated than his nonrioting Negro neighbor, and was usually under-employed or employed in a menial job. He was proud of his race, extremely hostile to both whites and middle-class Negroes, and, although informed about politics, highly distrustful of the political system."³

Turning to the question of why the racial disorders occurred, the Commission uncovered several basic causes. Among the various causes, the *Report* concluded that: "the most fundamental is the racial attitude and behavior of white Americans toward black Americans.

. . . White racism is essentially responsible for the explosive mixture which has been accumulating in our cities since the end of World War II."⁴ In specifying the ingredients of this "explosive mixture," the *Report* included such factors as:

1. Pervasive discrimination and segregation in employment, education, and housing, which has resulted in the continuing exclusion of great numbers of Negroes from the benefits of economic progress.

2. The concentration of impoverished Negroes in major cities, creating a growing crisis of deteriorating facilities and services and unmet human needs.

3. The restriction of Negroes in ghettos where segregation and poverty converge on the young to destroy opportunity and enforce failure.

4. A backlog of frustrated hopes as a result of the unfilled expectations aroused by the judicial and legislative victories of the Civil Rights Movement.

5. The development of a social climate which tends to approve and encourage violence as a form of protest resulting from white terrorism directed against nonviolent protest, the open defiance of law and federal authority by state and local officials resisting desegregation, and the utilization of civil disobedience by some protest groups who do not adhere to nonviolence.

6. A pervasive feeling of powerlessness among Negroes that there is no effective alternative to violence as a means of achieving redress of grievances which include: police practices, unemployment and underemployment, inadequate housing, inadequate educational opportunities, poor recreational facilities, and ineffective grievance mechanisms.

In summary, then, the Commission concluded that the basic underlying causes of racial disorders stemmed primarily from the actions and conditions

³ *Ibid.*, p. 7.

⁴ *Ibid.*, p. 10.

created by white Americans. Focusing on the destructive environment of the ghetto, the *Report* states: "What white Americans have never fully understood — but the Negro can never forget — is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it."⁵

After recounting the historical roots of the basic causes, the *Report* included a series of recommendations to prevent the eruption of future racial violence. Although numerous specific recommendations were made, the following list indicates the more general remedies set forth by the Commission.

1. The enactment of special programs in the areas of housing, education, employment, and welfare to eliminate discrimination and to provide greatly expanded opportunities for ghetto residents.

2. Improvement in the channels of communications between ghetto residents and government officials, including more responsive grievance mechanisms.

3. Expansion of the opportunities for ghetto residents to participate in all phases of decision-making.

4. Improved police protection in ghetto communities and improved police practices relative to the treatment of black citizens.

5. Improvement in the training of police so as to achieve better control of incidents which could lead to future disorder, and the refrainment from the indiscriminate and excessive use of police force. "The Commission condemns moves to equip police departments with mass destruction weapons, such as automatic rifles, machine guns, and tanks."

Looking toward the future, the *Kerner Commission Report* indicated that American society could pursue three basic policy alternatives. It could maintain the present policies which allocate a meager proportion of the nation's wealth to the disadvantaged and have failed to achieve an integrated society. Alternatively, it could follow a policy of "enrichment," which would dramatically improve the quality of ghetto life but abandon integration as a goal. Or, America could adopt a policy of integration by combining ghetto "enrichment" with programs designed to disperse blacks from central cities.

The Commission warned that: "To continue present policies is to make permanent the division of our country into two societies; one, largely Negro and poor, located in central cities; the other, predominantly white and affluent, located in the suburbs and in outlying areas."⁶

Which of the above choices has been pursued? In what direction are American race relations heading and why? These were the basic questions posed at the Institute of Government and Public Affairs 1970 Assembly. In order to stimulate an informed discussion on such questions, several partici-

⁵ *Ibid.*, p. 2.

⁶ *Ibid.*, p. 22.

pants were invited to write background papers in preparation for the Assembly and two guest speakers delivered papers.

The composite picture which emerged from the papers and the talks is not an encouraging one. Although some marginal positive gains were identified, those gains were clearly the exceptions to the general conclusion of virtually all the authors that the Kerner Commission recommendations have been largely ignored. Indeed, Professor Mack Jones of Atlanta University maintains that:

. . . things have gotten worse for Black people. Some welfare programs are being cut; the Nixon-Mitchell administration is obviously unfriendly toward the Black liberation struggle; hostile forces have been sent to city halls and state houses in alarming numbers; police forces around the country have stockpiled monstrous arsenals to pacify Black communities; the McClelland subcommittee has published more than 20 volumes, including mugshots, on radical groups paving the way for quick identification and perhaps elimination; demographers tell us that Black immigration to the cities will continue, and we do not need demographers to tell us that whites will continue to run to the suburbs. Thus, cities are likely to become impoverished islands inhabited by nationalist-oriented Black people and surrounded by affluent suburbs inhabited by nationalist-oriented white people.

Why the society continues to move in this disastrous direction was not completely answered. However, several of the writers did identify factors which have contributed to the drift. Professor Olson, for example, argued that it was misleading to assume, as many have, that riot commission reports are capable of stimulating significant political change. In his estimation, "riot commissions are devices by which dominant power interests deflect demands for power redistribution in the aftermath of civil violence." In this sense, riot commissions and their recommendations are instruments which essentially reduce the pressure on public officials to take meaningful action. Additionally, Professor Weinbaum pointed out that the *Kerner Report* did not present its recommendations in a manner that was sensitive to the realities of gaining majorities in Congress for individual recommendations. This, in fact, he explains, is why the Commission's proposals received so little consideration on Capitol Hill.

Professors Long and Parenti, however, suggest that the problem is considerably deeper than the form in which proposals for change are presented. Long argues that "If what the Kerner Commission calls for is indeed necessary, it is probably beyond the power of American society as presently constituted." He notes that the political problem is a vicious circle in which the powerless cannot produce change because they are powerless. According to Parenti, this circumstance challenges the commonly accepted notion that American institutions, as they are presently constructed and controlled, are capable of producing significant reform. "Given the 'three R's' of politics — Reform, Repression, and Revolution — it can no longer be taken as an article of faith that we are moving toward the first."

THE KERNER COMMISSION RECOMMENDATIONS REVISITED: EMPLOYMENT

WALTER FRANKE

Two years, the time period since the *Kerner Commission Report*, is a very short time for assessing the employment progress of any group in the labor force. The American labor force comprises over 80 million persons, nearly 90 per cent of whom are white. In a typical year, between 1.5 and 2.0 million additional jobs are created. By virtue of the relative sizes of the white-nonwhite components of the labor force and new entrants into it, most of the new jobs that are created, as well as existing jobs that open up because of quits, retirements, and deaths, will be filled by whites. Using even the most optimistic assumptions and goals for improvement in the job status of Negroes, therefore, dramatic change is likely to occur over decades rather than years.

Nevertheless, it should be useful to look at the job situation for Negroes currently and in the recent past, consider what is required to continue in the long run the progress that has been made recently, and examine current programs designed to improve the employment prospects of Negroes and other disadvantaged groups in light of the Kerner Commission recommendations.

The Job Situation

The economic goal for Negroes is full equality. From the point of view of employment, this can be interpreted to mean that Negro workers should be represented proportionately in the major occupational groupings.¹ Several factors, including the uneven geographic distribution of the Negro labor force, will result in departures from a common occupational distribution for whites and nonwhites even in a situation of equality, but comparable distributions for the two groups can serve as a rough norm of equality.

The data in Table 1 show the job situation currently and in the recent past. As is well known, Negroes are grossly overrepresented in the unskilled laborer and service categories.² Although they comprise less than 11 per cent of total employment, Negroes are nearly 25 per cent of all unskilled laborers, 44 per cent of private household workers, and over 23 per cent of all service

¹ This standard is suggested by Otto Eckstein, *Education, Employment and Negro Equality* (Washington, D.C.: U.S. Department of Labor, Seminar on Manpower Policy and Program, October, 1968), p. 4.

² The figures are for nonwhites. Since Negroes represent over four-fifths of all nonwhites, the figures can be used to approximate the situation for Negroes.

TABLE 1. NONWHITE EMPLOYMENT BY OCCUPATION, 1962, 1967, 1969
(numbers in thousands)

Occupation of all nonwhite employed persons	Number employed			Percentage of nonwhite employment			Nonwhite employment as percentage of total employment in the occupational group		
	1969	1967	1962	1969	1967	1962	1969	1967	1962
	8,200	7,866	7,097	100.0	100.0	100.0	10.7	10.7	10.5
White-collar workers:	2,140	1,793	1,188	26.1	22.8	18.7	5.9	5.3	4.0
Professional and technical	681	598	373	8.3	7.6	5.3	6.3	6.1	4.6
Managers, officials, and proprietors	262	204	188	3.2	2.6	2.6	3.3	2.8	2.5
Clerical	1,041	865	512	12.7	11.0	7.2	7.9	7.1	5.1
Sales	156	134	115	1.9	1.7	1.6	3.4	3.0	2.6
Blue-collar workers:	3,427	3,319	2,801	41.8	42.2	39.5	12.4	12.4	11.6
Craftsmen and foremen	673	606	427	8.2	7.7	6.0	6.7	6.3	4.9
Operatives	877	1,841	1,412	22.9	23.4	19.9	13.3	13.4	11.7
Laborers, excluding farm and mine	877	873	962	10.7	11.1	13.6	24.8	25.9	27.0
Service workers:	2,230	2,360	2,326	27.2	30.0	32.8	23.5	25.4	26.4
Private household	722	881	1,040	8.8	11.2	14.7	43.9	48.1	44.4
Other	1,508	1,479	1,286	18.4	18.8	18.1	19.2	19.6	19.9
Farm workers:	361	401	782	4.4	5.1	11.0	10.9	11.9	16.1
Farmers and farm managers	90	110	195	1.1	1.4	2.7	4.8	5.8	7.5
Laborers and foremen	271	291	587	3.3	3.7	8.3	18.6	19.8	25.8

Sources: Data for 1962 are from Claire C. Hodge, "The Negro Job Situation: Has It Improved?" *Monthly Labor Review* (January, 1969), pp. 26-27. Data for 1967 and 1969 are averages of monthly figures, January-June, 1967 and 1969, from U.S. Department of Labor, *Employment and Earnings*. Data for 1967 and 1969 cover persons 16 years of age and over. Persons 14 years of age and over are included in the 1962 data.

workers. For the most part, although important exceptions exist, these are occupational groups in which pay and status are relatively low. Negroes are seriously underrepresented, on the other hand, in occupational groups which are generally better paid and more attractive in other respects. They comprise between 3 per cent and 8 per cent of total employment in the skilled craftsmen and white-collar occupations.

Although these figures show a serious departure from the norm of equality, they also represent a considerable improvement from the recent past. Compared with 1962, and even with as recent a period as 1967, the proportion that Negroes represent of employment in the skilled craftsmen and in each of the white-collar categories has increased. The gains have been greatest in the professional and technical, clerical, and craftsmen categories. Only slight improvement has occurred in the sales and in the managers, officials, and proprietors categories.

Clearly, new and greater employment opportunities have presented themselves to Negro members of the labor force during the past half dozen years. Prompted by the efforts and activities of civil rights groups and the requirements of the law, significant changes in the attitude of many employers toward the hiring of black workers has occurred. And some movement in the direction of equality of opportunity has also taken place in those portions of the labor movement previously noted for their poor record.

A further measure of inequality between the races is the extent of unemployment. For many years the rate of unemployment for Negroes has been approximately double that of whites and has frequently been greater. The latest figures on unemployment stand precisely in that relationship. In November, 1969, 3.1 per cent of the white and 6.2 per cent of the nonwhite labor force were unemployed. This situation represents a slight relative improvement for Negroes from that of a year earlier, when the rates for the two groups were 3.0 and 6.5 per cent, respectively. Nevertheless, the problem of closing the unemployment gap between whites and Negroes has thus far proven intractable. The most serious problem has been and remains the very high level of unemployment among Negro teenagers, for whom unemployment rates have regularly been in the range of 20 to 30 per cent in recent years.

Prospects for Improvement in the Job Situation

The improvements in the Negro job situation represented by the shifts in the Negro occupational distribution are to a considerable extent the result of the upgrading of Negroes who were previously in jobs which underutilized their educational and skill level. This upgrading has been relatively easy because it could be accomplished by moving Negroes into higher level jobs for which they were already qualified by educational background and skill. This process will undoubtedly continue to take place in the future.

Whites and Negroes with similar educational backgrounds, though not necessarily with similar experience or training, still have strikingly different occupational distributions. These distributions are shown in Table 2 for workers whose highest year of schooling completed is the fourth year of high school and for workers who have completed one or more years of college. Even allowing for differences in the quality of education received and for differences in experience and skill training, the figures suggest that room exists for additional occupational upgrading of the Negro labor force.

Nevertheless, this source of occupational upgrading will gradually disappear, and the question is raised of whether recent rates of progress can be maintained. The probable answer is that increased efforts will be required to continue progress at the same rate.

Estimates have been made of the speed at which Negroes will approach the occupational status of whites if progress continues at the rate of recent years.³ The estimates are made for the year 1985, when Negro employment is expected to represent 12 per cent of the total. The estimates indicate that Negroes would have:

- 10.6 per cent of professional and technical jobs,
- 8.4 per cent of clerical jobs,
- 6.0 per cent of sales jobs, and
- 8.8 per cent of skilled craftsmen jobs.

Negroes would still be heavily overrepresented in the categories in which they now predominate, in that they would comprise about 24 per cent of all nonfarm laborers, 38 per cent of private household workers, and nearly 25 per cent of farm laborers.

Policies for Improved Employment Opportunities

The progress that has been made thus far toward equality of employment opportunity has in at least two respects been possible because of particularly favorable circumstances for improvement. One is the gap that existed between the jobs many Negroes were engaged in and the jobs for which they were qualified. As has been already indicated, this source of improvement will gradually disappear. The other is the high level of economic activity in the United States of the past half dozen years. Further progress will be dependent upon maintaining a full employment economy.

In addition, larger and more effective private and public policies will need to be implemented if we are to approach the goal of full employment equality at an acceptable rate of speed.

Education. The link between educational attainment and occupational achievement is clear. The typical professional and technical job requires a college degree or at least some education at the college level. A high school

³ Eckstein, *op. cit.*, pp. 5-7.

TABLE 2. OCCUPATIONAL GROUP OF EMPLOYED PERSONS, AGE 18 AND OVER,
BY EDUCATION, SEX, AND COLOR, MARCH 1962 AND 1968

Major occupational group	Four years of high school completed				Completed one year of college or more			
	1968		1962		1968		1962	
	White	Nonwhite	White	Nonwhite	White	Nonwhite	White	Nonwhite
MEN								
Total number (thousands)	14,424	1,139	11,596	728	11,338	630	9,330	382
Percentage	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
White-collar	40.4	21.6	43.4	25.0	81.5	70.9	82.0	59.6
Professional and technical	7.8	3.7	7.0	4.8	41.5	41.3	40.6	31.2
Managers and officials	15.9	3.8	17.9	4.4	23.2	8.6	22.9	10.5
Clerical and sales	16.7	14.1	18.5	15.8	16.9	21.0	18.4	18.2
Blue-collar	49.5	59.7	45.0	53.6	13.6	21.5	13.0	23.7
Craftsmen	25.1	13.1	23.1	9.3	7.8	6.0	7.3	7.3
Operatives	20.8	34.1	18.0	24.2	4.6	11.0	4.6	11.2
Nonfarm laborers	3.6	12.5	3.9	20.1	1.2	4.5	1.1	5.2
Service workers	5.7	16.4	5.3	18.3	3.2	6.2	2.8	11.0
Farm workers	4.4	2.3	6.3	3.1	1.7	1.4	2.3	5.7
WOMEN								
Total number (thousands)	10,639	1,072	7,756	657	5,649	548	4,256	358
Percentage	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
White-collar	72.6	42.5	73.7	37.9	90.9	83.2	90.9	70.5
Professional and managerial	11.8	6.0	12.4	6.2	56.0	51.7	56.6	53.7
Clerical and sales	60.8	36.5	61.3	31.7	35.0	31.5	34.3	16.8
Blue-collar	12.4	20.4	10.5	16.4	2.3	5.1	2.4	4.5
Service workers	13.7	36.3	14.2	45.4	6.1	11.7	5.9	24.6
Private household	1.8	9.9	2.6	18.7	1.0	1.8	1.0	9.5
Other	11.9	26.4	11.6	26.7	5.1	9.9	4.9	15.1
Farm workers	1.3	.7	1.6	.3	.68	.4

Source: Elizabeth Waldman, "Educational Attainment of Workers," Table #3, *Monthly Labor Review* (February, 1969), p. 19.

diploma is the norm for managerial, clerical, sales, and skilled craftsmen jobs. Conservative projections of trends since 1948 indicate that the typical semi-skilled operative and service job will be held by a high school graduate in 1985 (see Table 3).

Eckstein has estimated that to maintain recent rates of occupational progress through 1985, 68 per cent of the nonwhite labor force needs to be high school graduates and 15 per cent should be college graduates. To reach occupational status comparable to that of whites by 1985, the comparable figures should be 75 per cent and 17 per cent, respectively.⁴ As of 1968, less than 43 per cent of the nonwhite labor force were high school graduates, and less than 7 per cent had completed college.⁵ Although the level of educational attainment among Negroes has been increasing rapidly, a large gap will exist between what is required and what is attained unless the rate of college attendance is *increased substantially* and the rate of high school completion among Negroes is increased very substantially. At the current rate of progress, Negroes will not have attained the required educational levels as a group until the end of this century.⁶

The implications of this analysis for educational policy are considered in detail in another paper (Atkin). Suffice it to say that substantially greater investments in education will be required by government, Negro students, and their families. In the past the return on investment in education has been much lower for Negroes than for whites, and the result was that the incentive for educational attainment was lacking. But this situation is changing as employment discrimination against Negroes declines, and it can be anticipated that the returns to Negroes on educational investment will rise rapidly.

Hiring Policies and Manpower Utilization. It is apparent that if improvement of the occupational status of Negroes waits entirely on the upgrading of the educational level of the Negro work force, the pace of advancement will be unacceptably slow. To some extent the link that has developed between educational and occupational attainment will have to be relaxed. The high school diploma has become the necessary entry qualification for an ever-increasing number of jobs, many of them jobs that were once performed and still are performed by workers with lesser levels of education. To some extent a reduction in educational requirements for some jobs will come about through the force of developing trends. If full employment is maintained consistently, the resulting tight labor markets will result in shortages of labor unless entry requirements are relaxed. In addition, however, special efforts need to be made by governments, companies, and unions to open occupational doors to Negroes who do not meet the usual formal job requirements. In the white-

⁴ *Ibid.*, p. 8.

⁵ U.S. Department of Labor, *Statistics on Manpower: A Supplement to the Manpower Report of the President* (March, 1969), pp. 37-38.

⁶ Eckstein, *op. cit.*, pp. 9-10.

TABLE 3. MEDIAN YEARS OF SCHOOL COMPLETED BY OCCUPATIONAL GROUP AND RACE, MARCH, 1967

Occupational group	March, 1967		1985 total
	White	Nonwhite	
White-collar workers:			
Professional and technical	16.2	16.5	16.3
Managers, officials, and proprietors	12.7	12.2	12.6
Clerical	12.5	12.5	12.5
Sales	12.5	12.3	12.5
Blue-collar workers:			
Craftsmen and foremen	12.0	10.2	12.5
Operatives	10.9	10.4	12.0
Nonfarm laborers	10.0	8.6	11.0
Service workers:			
Private household	9.8	8.5	10.0
Other	11.7	10.7	12.0
Farm workers:			
Farmers and farm managers	9.3	6.7	8.8
Farm laborers and foremen	8.9	6.0	8.4
Total—all occupational groups	12.4	10.8	n.a.

Sources: Data for 1967 are from U.S. Department of Labor, *Statistics on Manpower: A Supplement to the Manpower Report of the President* (March, 1969), pp. 41-42. Figures for 1985 are projections of trends since 1948 and are found in Otto Eckstein, *Education, Employment, and Negro Equality* (Washington, D.C.: U.S. Department of Labor, Seminar on Manpower Policy and Program, October, 1968), p. 8.

collar occupations, affirmative actions by employers, along with equality of educational opportunity, are the key elements. Perhaps more importantly, in the case of blue-collar jobs, on which the largest number of Negroes are now employed, unions will bear a major responsibility. As one example, it may be necessary for unions and union members to make concessions on such matters as probationary periods, seniority, and entry requirements to training programs in order for meaningful progress to be made.

Many examples of efforts in these directions already exist. In the auto industry, and particularly Ford Motor Company, standard job application procedures and reading and arithmetic tests have been abandoned. Additionally applicants are not disqualified either for lack of experience or the existence of police records. The program, which has full union support, also includes intensive efforts to recruit in the ghetto. The Joint Council of Teamsters in Los Angeles, with the help of a Department of Labor grant, has instituted its Transportation Opportunities Program (TOP), which trains and creates employment for disadvantaged residents of Los Angeles. Men are trained as truck drivers, dock workers, warehousemen, bus drivers, hostlers, heavy duty servicemen, brake and front-end alignment men, diagnostic and tune-up specialists, tire repairmen, and service station operators. The training is available to the unemployed, the underemployed, and Teamster

members who wish to upgrade their skills. The AFL-CIO has set up a non-profit organization called the Human Resources Development Institute to attempt to mobilize the resources of labor in recruiting, training, employing, and upgrading the hard-core unemployed and the underemployed.⁷

These types of efforts, while far from typical or universal, reflect a new readiness to depart from the status quo in some sectors of industry and labor. That there is resistance to opening the gates of occupational opportunity is revealed by the fact that since 1964 the Federal Equal Employment Opportunity Commission has received over 40,000 charges of discrimination in violation of Title VII of the Civil Rights Act and has found discrimination in 60 per cent of them. The Commission itself is attempting to encourage the adoption of affirmative action programs, particularly in industry. Its most recent activity in this direction was a three-day workshop for 40 executives of national trade associations in which it attempted to encourage association activities in the areas of recruitment, hiring, testing, and upgrading of minority group persons.

Finally, members of minority group communities have taken increased responsibility and demanded and obtained increased control over their own progress. This trend has been particularly evident in the areas of education and Negro entrepreneurship. Black caucuses in labor unions have also developed, and if the Nixon manpower proposals embodied in the Manpower Training Act of 1969 become law, the result will probably be more community responsibility for federal manpower programs. These developments have frequently resulted in serious conflict and confrontation, but they may also eventually result in progress in the employment area that would not otherwise occur.

Federal Manpower Programs. In fiscal year 1970 the federal government is spending about 1.6 billion dollars on a variety of manpower programs designed primarily to give training, work experience, or related supportive services to unemployed or underemployed persons in an effort to prepare them for entry into jobs. The \$1.6 billion figure, which compares with the \$1.4 billion allocated for manpower programs in fiscal year 1969, is expected to provide manpower services for slightly over one million workers.⁸ The main programs in terms of number of persons served and number of dollars spent include the Job Opportunities in the Business Sector (JOBS) program, the Concentrated Employment Program (CEP), the institutional and on-the-job Manpower Development and Training Act (MDTA) programs, the Neigh-

⁷ Details on these and other programs can be found in "Business, Labor, and Jobs in the Ghetto," *Issues in Industrial Society*, Vol. 1, No. 1 (Ithaca: New York State School of Industrial and Labor Relations, 1969), pp. 3-18.

⁸ Because an unknown number of persons receive services from more than one manpower program, the number of different persons who will be beneficiaries will be less than the one million figure indicated, perhaps by a considerable margin.

borhood Youth Corps, the Job Corps, and the Work Incentive Program (WIN).

For the most part, these programs can be viewed as remedial; that is, they are designed to pick up people for whom the regular educational and training institutions were unsuccessful in preparing them for productive contributions to the economy. Most of the enrollees in these programs are disadvantaged; that is, they are members of poverty households and have other characteristics, such as low levels of education, that put them at a serious disadvantage in the competition for jobs. Disproportionately large numbers of the recipients of the manpower services provided by these programs are Negroes. In 1968, Negroes comprised 45 per cent of the institutional and 33 per cent of the on-the-job MDTA trainees, over 40 per cent of the Neighborhood Youth Corps, 81 per cent of those in the Concentrated Employment Program, 74 per cent of those in the relatively small New Careers program, and a large majority of trainees in the JOBS program of the National Alliance of Businessmen.

Manpower programs are aimed primarily at removing persons from the ranks of the unemployed and from sub-marginal, low-paying jobs. To the extent that the programs are successful, they prepare workers for entry-level jobs. They do not make a large contribution, although there are exceptions, to moving people to the higher levels of the occupational hierarchy. They are nevertheless important, and the Nixon Administration is departing from past practice by making funds available in 1970 for the training costs of upgrading persons who are already on the job, particularly persons who are newly placed in employment. The ultimate goal of the shift in policy, according to Arnold Wever, Assistant Secretary of Labor for Manpower, is "not just to get jobs at the lower rung of the ladder, but to provide institutions and incentives so that there will be a normal distribution of opportunities throughout the entire occupational range." In addition, the shift to more emphasis on upgrading anticipates that as the disadvantaged move up the job ladder they will vacate entry-level jobs and thereby clear the way for other disadvantaged people to obtain a start in the job market. In part, the shift has grown out of the fear that entry-level jobs will become clogged with the newly-employed disadvantaged, and inadequate numbers of job slots will be available for new graduates of manpower programs.

The Nixon Administration has also reallocated manpower funds, which has resulted in a two-and-one-half-fold increase in the JOBS program and reductions in the size of the Neighborhood Youth Corps and the Job Corps. The expansion of the JOBS program reflects the intention of the Administration to place increased reliance on the private business sector to provide training and jobs for the disadvantaged. The decrease in resources devoted to the Job Corps is the result of the Secretary of Labor's decision to close 59 of the

existing 109 Job Corps Centers on July 1, 1969. The Job Corps is a very expensive program and has been afflicted with high rates of dropout. The Labor Department has indicated that it eventually plans to replace some of the Job Corps Centers with 30 new inner-city and near-city training centers in which the training emphasis will be shifted from conservation work to industrial occupations and job placement.

The effectiveness of manpower programs has suffered from its fractionalized approach to manpower problems arising from multiple funding and administrative agencies and a weak apparatus for coordinating activities. The result has sometimes been duplication of services and a poor distribution of activity with respect to priority objectives. In the Administration's proposed Manpower Training Act of 1969, the problem of coordination would be met by a decentralization of the responsibility for developing manpower programs to states and local areas and a scrapping of the present multitude of separate, categorical programs.

Negroes in the Construction Trades. Special mention needs to be made of the increasingly intensive demands by coalitions of Negro and other groups for more rapid progress in increasing the employment of blacks in the building trades. Disputes have occurred in several major cities, some of which involved picketing of construction sites in an effort to enforce demands on contractors and unions to admit more blacks to the various trades and to make stronger efforts to include blacks in apprenticeship and other training programs.

Efforts to settle the disputes have taken several forms. Perhaps the most controversial settlement resulted in the "Philadelphia Plan," which was put in force by executive order using the government's contract compliance authority. Under this plan bidders on federally-assisted construction work are required to submit affirmative action plans setting forth specific goals for the utilization of minority employees. The plan requires minority employment in six skilled crafts in Philadelphia to reach levels of about 20 to 25 per cent within four years.

The Comptroller General of the United States has taken the position that the plan is illegal under the 1964 Civil Rights Act because it requires government contractors to take race into consideration in their hiring. He has also said that he will not approve expenditures of federal funds for contracts made under the plan. The AFL-CIO Building Trades Department has expressed unalterable opposition to the plan and labeled it an unlawful quota system.

Nevertheless, the Labor Department has issued an order implementing the Philadelphia Plan and has begun analysis of minority employment in the building trades in other cities with a view toward possible establishment of similar plans. This development is of particular interest because it repre-

sents one of the strongest governmental efforts to bring about minority progress in employment through contract compliance. It is also of interest because it was attempted at a time when other governmental policies were producing high interest rates and a resulting depression in the contract construction industry. Thus, its efforts to expand minority employment by way of contract compliance is at least partially offset by policies which restrict the job opportunities available.

The Kerner Commission Recommendations

The central recommendation of the Kerner Commission for meeting the job needs of the unemployed and the underemployed was for a program that would create one million new jobs in the public sector and one million new jobs in the private sector in three years. The Commission felt that new jobs in the public sector could be provided quickly, particularly at the local level, where there are "Vast unmet needs in education, health, recreation, public safety, sanitation, and other important municipal services." For additional jobs in the private sector for the hard-core unemployed, the Commission recommended that private enterprise be subsidized in "a massive additional spur to job development" to cover the extra costs of supportive services and training necessary for steady employment.

Other "basic strategies" proposed by the Commission included: consolidation by function of existing programs aimed at recruiting, training, and job development; more emphasis on the problem of motivating the hard-core unemployed; removal by both public agencies and private employers of artificial barriers to employment and promotion; and validation of testing procedures or replacement of testing with work samples or actual job tryouts.

Concerning the coordination of the many manpower programs, the Commission recommended that every city establish a comprehensive manpower recruitment and service agency with authority to direct the coordination of all manpower programs in the locality, including those of the Federal-State Employment Service, the community action agencies, and other local groups. Relative to job development and placement in private industry, the Commission indicated that "it may be helpful now to create a federally-chartered corporation with authority to undertake the coordination of the private sector job program." For financing the new jobs called for in the private sector, increases from the \$1,000 per year to at least \$3,500 in the direct-reimbursement system in use for on-the-job training was recommended, as well as adoption of a tax credit system for employers expanding their employment of the hard-core unemployed.

Taking first the recommendation for job creation in the private sector, the principles suggested by the Kerner Commission have been made operative in the JOBS program of the National Alliance of Businessmen. The

Alliance coordinates the work of obtaining commitments from private firms to hire the disadvantaged and provides assistance to the firm in contracting with the Labor Department for training subsidies. The subsidies provided can be as high as \$3,500 per trainee per year, the figure recommended by the Commission. The size of the program, however, falls short of the Commission suggestion of one million jobs in three years. At the end of the first year on June 30, 1969, somewhat over 100,000 persons were in training or employment under the program. The second-year goal is 230,000, and the three-year total expected to be trained and employed under the program is 614,000. The program has been expanded from the original 50 large cities to include the entire United States, although the National Alliance's voluntary (nonsubsidized) training efforts will be confined to 125 metropolitan areas. For the first time in 1970, federal funds will be available for programs of upgrading the disadvantaged already on the job.

The JOBS program has had considerable success in mobilizing business firms to increase their training and hiring of Negroes and other disadvantaged workers. The main question about the program is whether new jobs are being created for the disadvantaged, which was the Kerner Commission recommendation; or whether existing jobs are more frequently being filled by the disadvantaged. It is probably more the latter than the former.

The Kerner Commission recommendation for the creation of one million new jobs for the hard-core unemployed in the public sector has gone largely unrealized. Two small programs, New Careers and Operation Mainstream, are the only federal programs of public employment aimed particularly at employing the unemployed and disadvantaged. The two programs together provide employment opportunities for less than 17,000 people.

The cost of the Kerner Commission proposals for the creation of jobs in the public sector would alone have exceeded the total amounts being spent at the time on all existing manpower programs. W. Willard Wirtz, Secretary of Labor at the time, supported the purposes of the Emergency Employment and Training Act of 1968, which would have provided funds for the creation of 1.2 million new jobs each in the private and public sectors over a four-year period, but objected to the establishment of still additional manpower programs and indicated a preference for additional financial support for existing programs.

As some of the earlier discussion has indicated, steps have been taken toward solution of the problem of Negro employment in directions suggested by the Kerner Commission, including more emphasis on contract compliance, improved coordination of existing manpower programs, and reduction of artificial barriers in employment and promotion. The "massive" investment in programs to meet the needs of the unemployed and underemployed suggested by the Commission and required to bring about full equality in employment, however, has not yet been made.

THE KERNER COMMISSION REPORT AND EDUCATIONAL CHANGE

J. MYRON ATKIN

The *Report of the National Advisory Commission on Civil Disorders*¹ proposed several methods of improving the education of black children, particularly in urban areas. Specific suggestions included such plans as

increasing aid to school systems that are seeking to eliminate racial isolation.

establishing "magnet schools" to attract children from several sections of the community,

providing supplemental education centers with specialized facilities to help youngsters for a portion of the school day,

building educational parks to cluster existing schools,

expanding the teacher corps programs in ghetto areas,

providing year-round education for disadvantaged students,

bringing children to school at an earlier age than state law conventionally requires,

providing incentives for highly qualified teachers to teach in ghetto areas, reducing size of classes,

providing intensive concentration on basic verbal skills,

improving community-school relations by such devices as using local residents as teacher aides and tutors,

improving higher education opportunities, and

providing more realistic vocational education.

The recommendations could be categorized within two key strategies:

First, we must foster racial integration in schools as the long-term priority objective, as a matter of social policy. Racial isolation is detrimental, on its face, for whites and blacks.

Second, the elimination of racial isolation is a difficult goal to achieve in the short term. We must improve education of black children in whatever schools we currently find them.

The Commission felt compelled to point out that,

We see no conflict between the integration and quality education strategies we espouse. Commitment to the goal of integrated education can neither diminish the

¹ (New York: Bantam Books, 1968).

quality of today's segregated and unequal ghetto schools nor sanction the tragic waste of human resources which they entail.

Far from being in conflict the strategies are complementary. The aim of quality education is to compensate for and overcome the environmental handicaps of disadvantaged children. The evidence indicates that integration, in itself, does not wholly achieve this purpose.²

In the letter inviting me to prepare a paper for this meeting, it was stated that, "One gets the feeling . . . that the recommendations (of the Commission) have been largely ignored and that the racial situation is worsening. If this is the case, why is it happening? What are the obstacles to change? Can anything feasible be done to change the situation?" In my view, the premise of this Assembly, to the extent that it is reflected by these assertions and questions, is accurate. The racial situation does seem to be worsening.

Nevertheless, it is not clear to this participant that an examination of the possible obstacles, field by field, necessarily or directly leads to alleviation of the problems. As a matter of fact, highly technical analyses of the racial difficulties we face in the United States could lead, albeit unintentionally, to evasion of the moral responsibilities we face as a nation.

The *Kerner Commission Report* is a moral indictment as well as a social analysis. While the analysis must continue, it must supplement, and not supplant, the moral fervor of our efforts to eliminate racism and its effects. Value questions that underlie our social policy formulations must not be submerged entirely beneath dispassionate inquiry into our problems. Rather, reaffirmations of national purpose and value commitments must move apace with scholarly analysis.

Furthermore, intensive examination of a single field — such as education, or employment, or housing, or welfare — easily leads reasonable people to think that progress is virtually impossible to attain because racial problems are so pervasive in the society. An individual interested in employment looks at the educational and housing scenes, and he begins to wonder if the improvement of employment opportunities alone will alleviate the problem appreciably. A man studying our welfare policies can easily fall into the position of fatalistic acceptance of inadequacies in the present system because welfare problems, of course, have manifestations in housing, employment, education, and administration of justice. And the educationist may be quite tempted to say that the schools can do little indeed in the absence of rather wholesale changes in other elements of the society.

In the field of education, there exists abundant rationale supporting arguments for minimal change, both with respect to compensatory education and also with respect to integration. Compensatory education programs of one kind

² *Ibid.*, p. 439.

and another, from the Banneker Project in St. Louis, to the Higher Horizons Program in New York City, to the Madison Area Project in Syracuse, have all demonstrated limited ability to improve the achievement levels of black children, as the U. S. Commission on Civil Rights report, *Racial Isolation in the Public Schools*,³ has already indicated. Compensatory education programs at the preschool level, on the other hand, have succeeded in effecting sharp improvements in achievement; but the studies so far reveal that the initial gains are soon lost, not only in situations wherein black children later attend racially isolated classes, but also in schools where they attend integrated classes. Further, compensatory education programs are costly. The "successful" preschool programs cost between \$1,000 and \$1,500 per child per year. We currently spend, nationally, an average of \$450 per child per year. An inevitable question arises: If we are willing to increase our investment dramatically in social programs — the kind of additional investment represented by a doubling or tripling of our allotments for education — shouldn't we consider methods of spending these monies alternative to those in the educational system alone? Income guarantees, for example. Or creating new jobs.

But a prior question is unavoidable if we focus major effort on compensatory programs. If we are committed to improving the achievement level of black children, primarily in black communities, can we ever create a political atmosphere in which whites will be willing to appropriate two and three times as much money for the education of black children as for their own? Such a possibility seems highly unlikely, however much certain elements of our population may want to preserve a segregated pattern. It is doubtful whether they will allow such a disparate investment. Compensatory education alone doesn't seem to hold much promise for a large-scale solution to improvement of black education, given the political realities of present-day America.

Yet the evidence for improvement of achievement by integrating schools is not very encouraging either, mainly because many plans for desegregation of schools do not eliminate segregation in classes. In many cases, even when the racial composition of the entire school is mixed, examination reveals that the blacks by and large are in separate tracks. In such situations, the evidence indicates that their achievement is no different from what it would be if they attended separate schools.

Our research seems to indicate that integration of *classes* seems to be the most effective educational method for improving achievement of black children. Though the evidence of this point isn't overwhelming, and some recent studies raise disturbing questions, such a plan is likely to be successful for blacks while preserving high achievement for whites. A few medium-sized cities, such as Champaign, Illinois, and Syracuse, New York, have experi-

³ Superintendent of Documents (Washington, D.C.: U.S. Government Printing Office), 1967.

mented with such a method of eliminating racial isolation. Results so far seem favorable.

But in larger cities, major innovative political arrangements are required to achieve racial integration at the level of the individual class. Open enrollment, a system wherein people can choose the school they wish to go to, doesn't seem to work, possibly because of the large proportion of Negro children in central city school systems. Cooperative arrangements between urban and suburban schools seem promising, but such systems have not been tried on an appreciable scale because of the political realignments that are required.

This observer, then, doubts that large-scale improvements of educational achievement are possible through compensatory education programs alone, and tends therefore to reject that particular recommendation of the *Kerner Commission Report* as feasible national policy. Perhaps one obstacle to the adoption of this particular recommendation results from similar skepticism by those individuals who are uncertain about long-term benefits and who also question the likelihood of such disproportionate financial support for black schools. Even if we were willing to spend three times as much for the education of black children as for white children, compensatory programs seem to have practically no effect after preschool; and even when applied at the preschool level, the benefits seem to wash out in ordinary programs of schooling.

These statements are based on the evidence at hand about results of compensatory education programs. These programs have usually been carried out without major attention to other types of social change, or even to pervasive change at all levels of schooling. If coordinated programs to improve the socioeconomic levels in ghetto areas were combined with compensatory education efforts, the results might be quite different. I suspect they would be.

It seems highly unlikely that we shall redistribute educational resources to compensate dramatically for the effects of past societal deprivations. At the same time, it is not quite so unlikely that we may be willing to allocate a greater share of our national investment in human resources to improvement of educational programs. The most acceptable plans for the improvement of education of black children, those with highest possibility of acceptance by the public, must include major attention to improvement of education for whites as well. This fact, plus persuasive moral considerations, seems to argue for desegregation, for the elimination of racial isolation, as the most effective method of eliminating educational disparities between the races.

It has become clear that a large segment of our population — white, ignored, and angry — is disturbed increasingly by what they see as major attempts to redress imbalances in favor of blacks, amidst a climate in which blacks, as well as some whites, are becoming ever more strident in their demands. Stridency breeds antagonism. Angry whites are uniting in opposition to improvement of social programs that focus exclusively on blacks.

If our educational programs for whites were today all that they should be, perhaps there would be less objection to disproportionate allocation of resources for the improvement of black education. But of course our educational system must be improved for both races. If in our determinations of social policy, we demonstrate an appropriate (and large) degree of concern for whites, then we will also have greater success with new programs that may focus primarily on blacks.

This background argues for total examination of the educational system; it argues for the formulation of general educational goals for all. If whites begin to see how the educational system is being changed to meet the needs of their own children, they may be quite willing to work for improvement of black education in the process, and they may even be willing to invest in programs that attempt to redress past inequities.

I shall use the remainder of my remarks to highlight a somewhat different potentially divisive element in our attention to the improvement of education for black children. It is appealing to focus on schools in righting social wrongs. Schooling is a traditional means by which we have attempted to translate social policy into actual improvement of the quality of life. But there is a strong temptation to think that *more* schooling, as well as more efficient schooling, can eliminate some of the variability between blacks and whites in educational achievement. If this assumption is accepted without examination, it is seductive to conclude that we need to increase the dominion of formal schooling over the lives of black children. We may put them in schools during the summer, on Saturdays, or in the late afternoons. And to the extent that we move directly to improve achievement, and consequently present the disadvantaged child with highly structured, elaborately sequenced programs to improve competencies in subjects such as reading and mathematics, we risk highlighting a particularly formal, tightly programmed type of education that could well accent a mechanical approach to learning which children may eventually see as dehumanizing and insufficiently personal.

While some social policy formulators are advocating rigorous teaching methods in the formal skills for disadvantaged children, they are tending to enroll their own youngsters in schools that are more open, more permissive, and that tend to give increasing emphasis to the arts and the humanities. Many observers are beginning to view schooling in the United States as excessively preordered and sequenced. They see the growth of a factory model for education in the United States, in which "productivity" is analyzed in terms of prespecified changes in human behavior. Americans tend to assume that the development of an educated person is something like the development of a rocket or an automobile. We indicate in performance terms what is expected as a "terminal objective." Then we develop sophisticated, well-engineered approaches to assure efficient production.

Many middle-class parents are beginning to demand a more expressive element in the education of their children. And the students are demanding it themselves. There is considerably more focus these days on the quality of our lives and on the aesthetic and value dimensions of our existence. These pressures are just beginning to build up; they may have a strong influence on schools during the early 1970's. Art programs probably will be more prominent in our schools during the coming years; the humanities will be stressed; environmental quality policy questions will begin to be reflected more in secondary as well as elementary school programs. But if present trends continue, these developments in middle-class schools will be strongly at variance with present trends in education of black children to be ever more disciplined, ever more focused on discrete achievement questions in subjects such as reading, writing, and arithmetic. We may have to face a major ideological question: Do we want a system that emphasizes one set of goals for one race while espousing a different set for another?

It is possible that black children subjected to heavy doses of formal skill preparation and for longer hours will begin to view schooling in the same repressive sense that some of our middle-class children have begun to see it in recent years at the college and high school levels.

To implement the spirit of the Kerner Commission recommendations, we might do well to introduce greater diversity in our approaches to education and also in the variety of personnel involved in work with young people, both in the school and out. It is clear that we have not made the progress that is desirable in improving race relations. We are not even sure what is possible. We need to try new programs, instead of solely riveting resources on one or two educational schemes that seem appealing.

Some innovations will be developed within the profession, but we surely need fresh insights from a variety of groups. Professionals in the schools are beginning to learn to work with the nonprofessionals. We are learning, in many fields, that a narrow, protectionist view of existing practice may be undesirably conservative. When we reach the day when school administrators and teachers work as comfortably with all their constituencies as they presently work with the PTA, then we shall begin to take steps that improve the education of all children: black and white. If we focus our programs for educational improvement on both races, we may stand the best chance of improving it for either race.

WELFARE RECOMMENDATIONS OF THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS AND ADC IN ILLINOIS

MERLIN TABER

Welfare and Civil Disorder

The welfare system — public assistance — seems not a prime cause of riots. Welfare was lowest on a list of grievances from a Commission survey of twenty riot cities. Another study of forty-nine cities indicated that level of welfare was not correlated with occurrence of violence. Police practices, jobs, and housing are more often cited by both ghetto residents and experts as “causes.”

Yet the black ghetto way of life is centrally supported by welfare, particularly ADC (Aid to Families with Dependent Children). The Kerner Commission included the welfare system in their analysis because the cycle of poverty, despair, and dependency cannot be broken up without an adequate and rational welfare system. An effective welfare system is not by itself sufficient, but it is no doubt a necessary condition for achieving the “integration” asked by the Commission — or even for achieving racial peace.

Among welfare programs, only ADC will be discussed here. ADC is but one-third of all United States assistance costs; however, ADC is most important to ghetto families, it is growing most rapidly, and it is most controversial.

Basic questions about ADC were raised by the Commission. Can ADC or some other family income program become an effective means for supporting parents without income to adequately rear their children? Can it be a constructive experience for its recipients rather than destructive? Can it contribute to the “integration” policy recommended by the Commission?

Welfare Recommendations

Three welfare recommendations were made by the Commission: R & D, as a “first strategy”; overhaul, as the “most important”; and security, as a “longer-range goal.”

The Commission recommended first, *research and experiment* to learn how income maintenance programs affect families. Social insurance and assistance involve \$60 billion per year, yet money for “research and development” in these programs is not a tenth of 1 per cent of their cost.

The *overhaul* asked by the Commission was a stopgap but still crucial effort to *eliminate the worst inequities*, and to *make ADC more adequate and humane*.

The *longer-range strategy* of the Commission was a *national income floor* at an adequate level for those who work for low pay as well as those without income.

ADC in Illinois: An Overview

Total costs of ADC in Illinois have grown by one-half during the two years since the Kerner study, and now exceed a quarter of a billion dollars per year. The share of costs paid by the state has increased by two-thirds in the same two years. It appears that Illinois will be paying about \$160 million of a total cost of \$300 million for ADC in fiscal year 1970.

In numbers of people receiving aid, ADC has grown about one-third during the same two years, from 280,000 to 370,000. One Illinois child in every fifteen lives in an ADC family.

ADC in Illinois, as elsewhere, is disproportionately black and urban; 10 per cent of all Illinois citizens are black — but 70 per cent of its 370,000 citizens on ADC are black. Cook County with 50 per cent of the state's population has 70 per cent of the ADC population.

ADC families, of course, represent a concentration of problems in addition to poverty. Nine of each ten ADC families in Illinois are headed by a woman, with no father in the home. His absence is usually due to divorce or desertion. ADC mothers have less than average experience with employment and formal education.

ADC in Illinois is administered with other federally-aided programs by some four and one-half thousand employees of the Department of Public Aid, in county and district offices. The cost of administration is about 15 per cent of the cost of direct aid payments. Since 1962, states have been required to plan for social services in ADC, as well as legal determination of eligibility. Illinois has made such plans, but a number of factors militate against effective services by ADC workers.

Continued controversy over the ADC program is easy to understand. To the legislator it represents spiraling costs for an unpopular program — the last straw for an overburdened state budget. To the taxpayer, ADC seems an endless payout with no visible benefits and even seems to some a “subsidy of immorality.” To the ADC mother, it represents existence but little else. She typically lives in a “project” or other low-cost area where all community services — schools, police protection, stores, sanitation, social welfare, and recreation — are poor or nonexistent. Her experience with ADC is like her experience with schools, police, and merchants.

In the following analysis, ADC is viewed as objectively as possible, in the terms laid down by the *Kerner Commission Report*.

ADC in Illinois in Relation to Commission Recommendations

Illinois is within striking distance of the “overhaul” or “most urgent” recommendations of the Commission. At the same time, a new ADC crisis appears likely. Therefore, we believe that attention should be directed to President Nixon’s Family Assistance Plan and other proposals for a national program of family income maintenance. These observations are the opinion of the authors based on the factual review in the following pages. More specifically our conclusions are:

1. *A First Strategy — Research and Experiment.* A state appropriation of \$3,300,000 for research in welfare and human resources has been made. New programs will be tested in selected areas, and also more basic research will be supported. If properly evaluated, this program would put Illinois ahead of most states in welfare research and development. Model Cities programs in Illinois offer another framework for experiment, but so far Model Cities planning has been limited to coordination of existing programs and some use of service centers and indigenous workers—the “integrated programs” of adequate income and services as recommended by the Commission are said to be too expensive.

2. *Most Urgent — Overhaul.* Illinois, like most northern industrial states and California, is far ahead of southeastern states and already approaches the “overhaul” recommendations. Many detailed recommendations, to make ADC more adequate and less degrading to recipients, are reviewed below. Specific actions which would bring Illinois fully to the recommended levels are listed on pages 40-41.

3. *A Longer-Range Strategy — National Income Security.* Several factors appear to make a new ADC crisis likely in Illinois. Political and fiscal reality therefore suggest that it is time to consider a national income maintenance program. Impact of any proposed plan for Illinois should be examined, we believe, on three key questions.

- a. Will the plan provide relief to the state budget?
- b. Will administrative complexity be reduced?
- c. Will the needs of the most deprived families in Illinois be better satisfied?

This review (pages 34 to 40) indicates that the Administration Welfare Bill presently before Congress does not offer substantial benefits for Illinois in terms of the state budget or in terms of administration. Also, there is a basic question about level of adequacy for deprived families. Since families would still be maintained below the poverty level, parents would not be much helped in their own efforts to break out of the cycle of poverty and frustration so graphically described by the Commission.

“*A First Strategy*”—*Research and Experiment.* Governor Ogilvie’s budget includes \$3,300,000 for research and demonstration in state human

resources programs. Plans being developed in the Bureau of the Budget call for testing of decentralized comprehensive administration of state human services, for testing of separation of service from eligibility determination, for development of adequate information systems, and for support of basic research. An institute would be set up, independent of operating departments at the state level, to administer these studies and experiments.

The Commission called for urban demonstrations of integrated programs of aid and job training, under the Model Cities umbrella. None are planned in Illinois—field experiments in payment of adequate income, combined with adequate services for education and job training, exist in Gary and Seattle.

Model Cities planning in Illinois includes, as far as we can determine, “outposts” for delivery of services to poor areas; better information exchange among public aid and other programs; and the use of welfare aides recruited among residents of Model Cities areas. These ideas are not new, but neither are they costly. A representative of Model Cities in the Chicago regional office said that the four Model Cities directors in Illinois believe that improved welfare requires more money through legislative action and so is beyond their scope of planning.

Overhaul of the Existing Categorical System. The Commission asked for a national minimum income standard for individuals and families enrolled in ADC to be effective in all states, and went on to recommend that the standard be at least as high as the poverty line defined by the Social Security Administration. That poverty line was \$3,553 in 1968 and would be somewhat higher now.

The Illinois maximum budget standard for a family of four is presently \$3,339 per year, between 5 and 10 per cent under the poverty line. If current earned income of about \$2 million per month is added to total assistance payments, it is indicated that the typical ADC family of four in Illinois does have \$3,100 to \$3,300 per year to live on.

The table below shows that assistance per person has increased one quarter in the past two years, so that Illinois more nearly approaches the Commission recommendations than it did two years ago.

The poverty line budget is based on the assumption that parents are good financial managers, and that both business and community facilities are adequate so that they can do a good job of rearing children with minimal income.

Since these assumptions are known to be false for most ADC families, many groups have argued that the poverty line is not an adequate level of income to permit families to break out of the “prison of poverty.”

Recognizing that state and local governments have more restricted tax bases than the federal government, find it more difficult to respond to ad-

TABLE 4. ADC IN ILLINOIS — BUDGET STANDARDS AND ACTUAL ASSISTANCE,
1967-69 CHANGE
(Includes ADC-UP; includes medical payments)

Item	June, 1967	June, 1969	Two-year increase
Illinois budget standard — family of four	\$ 3,168.00	\$ 3,339.00	5%
Actual cases	54,572.00	76,030.00	39
Persons	256,197.00	334,133.00	30
Assistance	12,740,573.00	21,180,896.00	65
Assistance per case	233.46	278.59	19
Assistance per person	49.73	63.39	27

verse economic conditions, and are overburdened by current urban problems in particular, the Commission recommended that most welfare costs should be paid by the federal government.

In Illinois at present, the federal government pays one-half the cost of ADC. In poorer states, the federal share may be three-fourths or even higher.

Change in the federal share in Illinois for the two years since the *Kerner Report* has actually been opposite to the Commission recommendations. If the third quarter of 1967 is compared with the third quarter of 1969, the federal share has *declined* from 61 per cent to 47 per cent.

If the Commission recommendation is interpreted as meaning, say, 90 per cent federal funding, then the estimated state costs for ADC during the current fiscal year would be reduced from about \$160 million to \$30 million.

The Commission recommended that "The share of costs presently imposed on municipal governments should be removed . . ."; that ADC-UP "be made permanent and mandatory on all states"; and that "The new federal definition of 'unemployment' be broadened."

In Illinois, municipal governments do not pay toward ADC costs.

Illinois, like other leading industrial states, has extended ADC to unemployed parents. Many other states have not. In Illinois, currently about 4 per cent of the total state ADC caseload are ADC-U. In the same year that the Commission *Report* was released, ADC-U was authorized on a continuing basis by Congress, but it was not made mandatory for each state.

In 1967, the definition of unemployment in Illinois was: less than forty hours OR what is considered normal for the job. The 1969 definition of unemployment is: less than thirty-five hours OR what is considered normal for the job.

The present definition of unemployment in Illinois makes it possible for families with men not working full time to receive some assistance. There is no provision, however, for underemployed families.

The Commission recommended that earnings retention "should be raised substantially to maximize incentive to work." Both public aid policy and the actual experience of ADC families in Illinois has moved in the direction recommended by the Commission.

In 1967 in Illinois, the exemption of earnings was the first \$25 per month plus expenses. In July, 1969, the earnings exemption was raised to the first \$30 of earned income plus one-third the remainder of gross income. In addition, cost of child care may be shown as part of the budgeted needs of the family.

The table below shows that both earnings and the amount of earnings kept by ADC families have increased substantially during the past year. Comparable figures were not available for 1967. If one can assume that it was the increased exemption of earnings which stimulated more ADC parents to go to work, then it would appear that the policy recommended by the Commission has been a success in Illinois.

The earnings exemption proposed in the Administration Family Assistance Plan is \$60 per month, plus one-half the remainder.

Adults in ADC families have little formal education and little work experience but in general would prefer to be working for decent wages if possible. The Commission noted these basic facts and recommended greater efforts at education and job training for adults in ADC.

In Illinois, there are many activities around basic education and job training for ADC adults and the situation is difficult to summarize.

The table below shows there are over 10,000 adults currently in education or job training. About two-thirds of these adults are in literacy training or high school or its equivalent, with the other one-third in some form of job training. At present, about one ADC adult in each sixteen is involved in such activity — less than the proportion two years ago.

The Illinois Department of Public Aid, under contract with the Department of Public Instruction, finances 13 adult education centers. Basic literacy, general educational development, and high school courses are offered, as well as job training in clerical, sales, key punch, auto mechanic, and other lines of work. There are four centers in Chicago, and nine downstate.

A work incentive program (WIN) was authorized by the 1967 Amend-

TABLE 5. EARNED INCOME IN ADC FAMILIES

Item	June, 1968	June, 1969
Number of cases with income	5,700	8,860
Per cent of cases with income	9.3	11.6
Total earned income (rounded)	\$990,000	\$1,920,000
Earned income exempted from budget (retained by recipients)	\$120,000	\$ 920,000

TABLE 6. ADULTS IN ADC FAMILIES IN EDUCATION OR JOB TRAINING

Item	August, 1967	August, 1969
Total number	6,026	5,573
Percentage of all ADC adults	9	6
Number attending adult education centers	4,840	3,421
Number in work incentive programs	...	888
Miscellaneous (number in MDTA; DVR; night courses, etc.)	1,186	1,264

ment to the Social Security Act. The Department of Labor administers WIN in coordination with HEW. A variety of services are offered to move adults and young people from welfare families into employment. In Illinois, WIN is effective in Cook County and six other counties.

In the miscellaneous category, public aid workers make referrals to the Illinois State Employment Service, the Manpower Development and Training Office, the Division of Vocational Rehabilitation, and in addition may arrange for attendance at courses or job training on a case-by-case basis.

Assessment of progress in ADC and employment is difficult because of persistent policy questions which have never been settled.

First, how can an integrated and coherent effort toward education and employment be achieved? There is a patchwork of programs which are difficult to coordinate. Should these be under the Department of Public Aid or some existing or new authority?

Second, how large an effort is required? The ADC program inherits the deficiencies of the educational system, especially for black people, and the deficiencies in employment opportunities. An adequate program of education and employment would almost replicate the primary and secondary school system and might have to create special employment opportunities for this group of adults.

Third, are there job opportunities in our present economy for people with minimal skills and a poor educational background? If not, then something more than limited training for specific jobs is needed.

Fourth, there is the basic question of the welfare of ADC children when their mothers work. Presumably, the care and training of children is a demanding function in itself. Under what conditions should ADC mothers be encouraged to work?

The Commission saw day care centers as being needed both to permit mothers to work and to improve development opportunities for children.

In Illinois the expenses of day care for reasons of employment, education and training of adults, or for other reasons, may be paid as part of the ADC budget. In October, 1969, a total of about \$400,000 was paid through ADC

to 5,914 families for such day care. Of this day care, 80 per cent was for reasons of employment, and most of the rest was for education and training. Comparisons are not possible over the past two-year period, since day care expenses were not identified as a special item two years ago.

Even though day care may be included in ADC budgets, it is used by only one family in twelve. Observers agree that there is a severe shortage of adequate facilities. The reason seems to be a lack of federal or state leadership in organizing day care facilities.

There are several efforts to stimulate the development of day care but results are uneven. For example, the new federal Office of Child Development has a bureau concerned with policies and standards for day care. As another example, in fiscal 1969, the WIN program included several million dollars nationally for day care for children of mothers in the WIN program. The Illinois Department of Children and Family Services has a licensing and control responsibility and is assigning a few staff members to the day care area. None of these efforts, so far, provide the necessary money or competent leadership to establish and staff day care facilities in local areas.

The *Kerner Commission Report* states that its members “. . . strongly disagree with compelling mothers of small children to work or else lose welfare support.” In Illinois, education, training, or employment is mandatory for all adults in ADC families. This includes mothers with children below school age if “suitable arrangements have or can be made for such care and supervision during the hours of the day that the mother or other person is out of the home because of employment, training, or education.” Therefore, the state’s policy does conflict with the Commission recommendation.

As a reaction to growing ADC rolls Congress had proposed to freeze amounts of federal matching funds to the proportion of children receiving assistance in different states as of January 1, 1968. However, this freeze was first postponed to July 1, 1969, and since then the beginning date has been extended indefinitely. The Commission recommended that the freeze be removed.

The *Report* also stated that the so-called “man-in-the-house” rule should be eliminated. Currently in Illinois, if there is a man in the house and he is unemployed or works part time, that family may be eligible for ADC-U, if he is the father of at least one of the children.

The Commission recommended eliminating residence requirements for new residents of states because of the resultant restriction on freedom of movement to follow opportunity, or simply because of personal preference.

In 1967, Illinois had a residency requirement of one year. In February, 1968, residence requirement was declared unconstitutional in the U. S. District Court of Cook County.

During the year ending September, 1969, 2,239 ADC cases were opened

with less than one year of residence. Proportionately more of the new cases were downstate than in Cook County. Less than half came from the South. Many came from states adjoining Illinois. In addition, there were new residents from the West Coast, from Puerto Rico, and from foreign countries.

No estimate of the impact of this new policy can be made, since data are not available on out-migration nor on reasons for moving.

Concerning eligibility for ADC the Commission recommended that "Applicants should be able to establish initial eligibility by personal statements or affidavits relating to their financial situation and family composition, subject to subsequent review conducted in a manner that protects their dignity, privacy, and constitutional rights." In 1969, the Department of HEW requested all states not using a self-declaration of eligibility to conduct experiments in such use.

In Illinois, self-declaration forms for eligibility determination are being tested in Winnebago, Williamson, and Vermilion Counties, and in the northern district of Cook County. The objectives are: (1) to reduce the waiting time for recipients to get their decision. In the pilot projects, it takes about one hour after the applicant comes in for him to get a decision as against thirty days in the past. (2) To free public aid workers to give more time for service. (3) To minimize the social stigma involved in applying for assistance. (4) To reduce the volume of paper work required.

The results of the pilot projects have not yet been organized and reported. It might be noted that the coordinator of one of the projects stated that in his county, the project was successful in reducing waiting time for applicants to get their decision and in minimizing the stigma of application. However, he also stated that in his county, the volume of paperwork was not greatly less, and workers did not have substantially more time for service since the forms themselves are still complicated and require extensive processing in the office. Finally, he stated that in that county, the accuracy of information obtained was apparently as good as, or better than, under the present system.

The *Report* contained recommendations for "Centers to provide the full complement of welfare services . . . all welfare, social, rehabilitation, and income assistance services," and for the expansion of family planning programs.

As noted above, the \$3,300,000 for research in the Public Aid appropriation will pay for trials of integrated community-level administration of state human services, in selected areas.

Illinois currently pays for all types of family planning services and devices. Public Aid workers are instructed to discuss birth control with all women of child-bearing age. In September, 1969, family planning was paid for in 6,623 families at a total cost of \$39,317. In addition, other women attended free public health clinics for family planning services.

The recommendations above have to do with making social services in ADC more effective. This subject is important and requires additional comment.

Many of society's problems are distilled into the ADC program, and ADC families need skilled social services in addition to adequate income. However, there are five obvious facts which work against effective services in ADC.

First, the existing work force in Public Aid is barely enough for the detailed legal accountability demanded of the program. In Illinois, there are now four and one-half thousand employees of Public Aid in county and district offices for direct administration of federally-aided assistance programs. This number represents an increase of only 2 per cent over two years ago, when the programs were much smaller.

Second, the pay and other amenities do not attract enough specially qualified and specially trained persons as career opportunities.

Third, just as money for research and development in Public Aid has been lacking, so has money for staff development and training been miniscule.

Fourth, administrative practices in Public Aid have always been geared to detect and penalize illegal payments, but not to detect and reward good service.

Fifth, Public Aid legislation and policy have dictated a brittle relationship between worker and recipient which does not lend itself to effective helping. To date, it has been the exception rather than the rule that Public Aid workers become "advocates" of clients rather than "investigators."

For all these reasons, many observers have concluded that even with an improved ADC program it would be better to separate social services completely from the administration of financial assistance.

Specific actions are needed for Illinois to reach the overhaul recommendations of the Commission. The following actions are specific and feasible steps, most of them possible at the state level, which would more fully realize these recommendations.

1. *Increase ADC budget standard to poverty line.* Illinois is 5 to 10 per cent below the poverty line defined by federal agencies, and the poverty line is of questionable adequacy for child-rearing. As an immediate and minimal step, budgetary standards might be brought into line with the current poverty line definition.

2. *Increase federal sharing in the Administration welfare bill.* The present federal system of sharing in ADC costs has two undesirable effects. The sharing formula tends to put a ceiling on payments, especially in poor states. Second, the formula forces states like Illinois to bear all of the cost of more adequate aid. As presently written, the Administration welfare bill preserves these features.

Therefore, in the interest of the state, the congressional delegation from

Illinois might seek: (1) a higher family income floor in the Administration bill and (2) revision of the cost-sharing formula to pay in each state a fixed per cent of all family assistance costs.

3. *Single state authority for education and job training.* A single state authority might be designated to have responsibility for manpower development for unemployed and underemployed citizens.

4. *Day care program development.* Responsibility and money for development of local day care facilities might be given to some one department.

5. *Adoption of affidavit system.* Use of the affidavit system (self-declaration) appears to make assistance less demeaning to clients. It might be adopted after its current trial unless serious problems are uncovered.

6. *Improved social services.* Separation of social service from eligibility determination appears necessary to achieve effective service. Effectiveness also would seem to require definition of career lines, administrative controls, and training programs oriented to service.

A Longer-Range Strategy — National Income Security

The Commission set down three guides which suggest supplements to the working poor, a minimum standard offering hope, and simplified eligibility based on need alone. They read as follows:

To provide for those who can work or who do work, any necessary supplements in such a way as to develop incentives for fuller employment.

To provide for those who cannot work and for mothers, who decide to remain with their children, a minimum standard of decent living to prevent deprivation and aid in saving children from the prison of poverty which has held their parents. . . . all present restrictions on eligibility — other than need — would be eliminated.

The Administration bill (H.R. 14173, S. 2986) would set a new national policy for each of the three main guides suggested by the Commission. The implications for Illinois of these three features — coverage of working poor, family income floor, and simplified administration — are outlined below.

Coverage of families of working poor. Under the Administration bill, a man supporting a wife and two children could earn up to \$3,920 per year and still receive some payment. National reports indicate there are more children in poverty whose fathers work all year, than there are children now covered by ADC. In 1966, there were 1.5 million families in poverty which were headed by a man under sixty-five who worked all year (the poverty line in 1966 for a nonfarm family of four was \$3,335). There were 4.5 million children in such families, as against 3.5 million in ADC families at that time. These bits of information do not permit estimates of the impact in Illinois. However, it is clear that family assistance payments for the first time would be available to many families where parents work for low wages.

Family income floor. The Administration bill provides a minimum payment based on family size and requires states to supplement these payments

to present ADC levels in each state, for those groups of families now covered by ADC. In short, a national floor is provided, but the present state variations in ADC are frozen into the program.

For southern states, the proposed floors (\$1,000 per year for two, \$1,600 for four) are up to three times present ADC levels. In addition, many thousand additional families will be covered, not now eligible for ADC.

For northern states such as Illinois, the floor is a little over half that now provided by ADC. Under the proposed plan, income for families now on ADC would apparently remain the same.

Simplified administration. The Administration bill would largely eliminate eligibility requirements other than need, as the Commission recommended, for the basic family assistance payments. However, the bill requires state supplementation up to present ADC levels. The bill permits integrated administration of federal family assistance with state supplements, by either the federal government or the state government, as negotiated with each state. This requirement appears to perpetuate much of the machinery and paperwork presently required for ADC, at either the state or federal level.

Therefore, one cannot predict whether, or how much, administration would be simplified for Illinois, since that would depend on the state plan to be developed and negotiated with the federal government.

The impact of the bill on the Illinois state budget, and on poor families in Illinois, should also be considered.

Will the plan provide relief to the state budget? The federal share of payments to those families now on ADC would apparently increase by 10 to 20 per cent. If the bill has the effect of reaching more such families, then this gain for the state budget may be offset by greater numbers receiving benefits.

Migration of poor families to the North would hopefully be slowed. Lowered immigration is dubious, however; there is not empirical evidence that ADC family heads came to Illinois for welfare.

The fixed dollar levels stipulated in the bill may be eroded by inflation. The state would apparently have to bear the cost of increased supplementation, since the federal share is fixed at July, 1969, budget standards of the state.

In the short run then, state costs would apparently remain at about present levels, or decline slightly. The bill provides a leveling off but not relief to the state budget.

Will the needs of the most deprived people in Illinois be better satisfied? There is a clear gain in coverage of families headed by working poor. However, state supplementation would not be required for this group and their incomes could be lower than the incomes of families without earnings. The incentive for the underemployed father to be unemployed or to desert would apparently be maintained.

In the area of social services around employment, there is a gain. The bill authorizes federal payment of 90 per cent of the costs of “manpower services, training, employment, and child care and related services” connected with employment.

For middle-aged men and women who are not disabled but still cannot earn, there is no gain — the bill limits payments to households where there are at least two related persons, one a child.

For the family now receiving ADC, the bill would seem to freeze present payment levels. Since families would still be maintained in poverty, parents would not seem to be much helped in their own efforts to break out of the cycle of poverty and frustration, so graphically described by the Commission. The national income floor of \$1,600 for a family of four may be compared with levels defined by other groups, for various purposes:

Administration Family Assistance Plan.....	\$ 1,600
Budget standard, “average” family of four, Illinois Department of Public Aid, 1969.....	3,340
Poverty Line Budget, non-farm family, Social Security Administration, 1968 (“Near poverty” budget of SSA is about one-third higher.).....	3,553
City Family Budget, Department of Labor, Bureau of Labor Statistics, 1969:	
“Higher Level” (homeownership, purchase of recreation and other services, automobile, complete household equipment, and taxes).....	13,050
“Moderate Level”.....	9,076
“Lower Level” (high proportion for necessities, home rental, provide own services, free recreation).....	5,915
President’s Commission on Income Maintenance; Ben Heineman, Chairman (recommended national income floor).....	2,400
National Welfare Rights Organization; an organization of welfare recipients (recommended national income guarantee).....	5,500
Public Aid Advisory Committee, Cook County, Joseph L. Block, Chairman (in a Critique of the Administration Bill, 12-5-69).....	3,335
White House Conference on Food, Nutrition, and Health, 12/4/69 (recommended national income floor, adopted by delegates).....	5,500

RESPONSES TO THE KERNER REPORT HOUSING RECOMMENDATIONS

MICHAEL MURRAY

Introduction

Since 1685 when the civic leaders of Boston went around closing up caves, there has been a government response to the housing situation. Over the years, of course, official methods of dealing with the housing problem have become more politic. Today, for example, governments typically issue massive detailed reports,¹ which rationalize complex programs, which in turn are facilitated by sophisticated delivery systems. But to what avail? These elaborate programmed responses have hardly been more effective than earlier primitive methods. As the *Kerner Report* noted, after more than three decades of housing programs, for many "the goal of a decent home and suitable environment is as far distant as ever."²

The question is "Why?" Why is it that government has been unable to deal effectively with the problem of inadequate housing? Are more effective responses forthcoming? Does the issuance of the *Kerner Report* indicate a more meaningful response to the problem? Or to paraphrase Kenneth Clark, does the *Report* represent the same old movie being shown again?

These are difficult questions to answer. Nonetheless, an analysis of the response to the *Kerner Report* might provide some insights. The purpose of this paper is to examine the extent to which the Commission's housing recommendations have been implemented. Hopefully, in accordance with the theme of the Assembly, the analysis will give some indication of progress in the housing field.

The paper is divided into three parts. Part I summarizes the Commission's analysis of the housing problems and reviews key findings. Part II outlines the Commission's 10 housing recommendations and surveys the extent to which they have been implemented. In Part III there is an evaluation of the *Report* with suggestions for future directions in dealing with the housing problem.

¹ To date, in the housing field, there have been three such reports issued by: (1) The Civil Disorders Commission (*Kerner Report*); (2) The National Commission on Urban Problems (Douglas Commission); and (3) The President's Committee on Urban Housing (Kaiser Committee).

² *Report of the National Advisory Commission on Civil Disorders* (New York: Bantam Books, 1968), p. 467. Hereafter cited as *Report*.

Commission Analysis, Findings and Strategies

In compelling language the Commission recognized and described the linkage between inadequate housing and civil disorder. In effect, the Commission admitted that inadequate housing was a serious *political* problem and in this significant sense its analysis differed from previous analyses.

Previously, for example, housing was not considered to be a problem, much less a governmental or political problem. To be sure there were slums; but for many, slums were not necessarily viewed as an undesirable phenomenon, i.e., as a problem. On the contrary; for many, slums were viewed as a part of the "dynamics of progress," a "way station on the road up." According to this view slums were proof of the mobility process and in this sense were not considered a "problem."³ It is hardly surprising, in this context, that for years government did little to redress the matter of inadequate and indecent housing.

More recently, perhaps since the passage of the National Housing Act in 1934, inadequate housing *has* been viewed as a governmental problem. However, the housing problem typically has been associated with certain physical shortcomings, such as ugly buildings, unsanitary conditions, and general overcrowding. In accordance with this definition of the problem as a physical kind of condition, the characteristic governmental response was physically to remove the building or to rehabilitate an area. Obviously such programs as urban renewal were designed, not to eliminate the conditions which caused inadequate housing, but only to deal with the physical manifestation of the underlying conditions. The point is that programs based upon a defective problem analysis were doomed to failure. But at least inadequate housing was recognized officially as a governmental problem. This was the necessary first step.

With the issuance of the *Kerner Report*, the governmental response to inadequate housing has entered what might be viewed as the second phase. With regard to housing, the Commission's central finding was that

In nearly every disorder city . . . grievances related to housing were important factors in the structure of Negro discontent.⁴

In short, the Commission said that, in part, inadequate housing conditions had caused recent civil disorders. The housing problem, by this analysis, was a political problem which logically required a political response.

Clearly the Commission added a new dimension to the analysis of the

³ See Alan Haber, *Report to the Office of Economic Opportunity Demonstration Section: The Community Organization Approach to Anti-Poverty Action* (Ann Arbor: University of Michigan), 1967, p. 353.

⁴ *Report*, p. 473.

housing problem. Whether the Commission proposed a more effective or even a different response to this problem analysis is another question.

Having established that inadequate housing represented one of the deepest grievances of the Negro community,⁵ the Commission suggested two “basic strategies” for dealing with the situation. These strategies derived from the finding that two major factors, widespread poverty and racial discrimination in the housing market, sustained inadequate housing conditions and intolerable grievances.⁶ In accordance with these dual findings, the Commission proposed:

1. That the supply of housing suitable for low-income families should be expanded on a massive basis.
2. That areas outside of ghetto neighborhoods should be opened up to occupancy by racial minorities.⁷

To implement these “strategies” — and as a way of responding to the analysis of the housing problem — the Commission proposed 10 key programs. The following section will outline the nature of these 10 programs and will survey, point by point, the extent to which they have been implemented, especially in Illinois.

Part II

The Question of Implementation: Illinois Response to the Kerner Commission Recommendations

As an overall goal the Commission first recommended *provision of 600,000 low- and moderate-income housing units next year, and 6 million units over the next five years*. This proposal was a clear recognition of both the dimensions of the housing problem and the unprecedented national effort which would be necessary to meet widespread housing needs. As a major objective then, the degree to which this proposal has been implemented provides a rough measure of the impact of the *Report* in general. Unfortunately this proposal has not significantly been implemented at either the national or the state level.

Although no exact figures are available at the national level, HUD officials estimated that a maximum of 233,000 subsidized units could be constructed in fiscal 1969.⁸ This estimate was based upon receipt of maximum appropriation requests. Given the recent substantial cutbacks in housing funding in general, it is doubtful that even this “less than half” maximum will be realized. Evi-

⁵ According to the Commission’s “grievance”-scaling system, inadequate housing ranked at the first level of intensity behind police practices and unemployment. *Report*, p. 143.

⁶ *Report*, p. 473.

⁷ *Report*, p. 474.

⁸ *One Year Later* (Washington D. C.: The Urban Coalition, 1969), p. 51.

dence from the state level indicates that achievements in low-cost housing construction are less than impressive.

In Illinois for example, on a proportionate basis (with approximately 1/20th of the total national population) no fewer than 30,000 new low-income units should have been constructed. This is a *minimum* figure, as it is deduced without regard to the special housing needs which exist in a highly urbanized, industrial state. Nevertheless, even this 30,000 minimum has not been reached. Since the issuance of the Commission's recommendations, only 3,832 low-rent housing units have been constructed in Illinois in 1968.⁹ While this figure represents a 21 per cent increase over the number of units added during 1967 (further stressing the scope of the need for low-income housing in Illinois), the 21 per cent growth rate has "enabled Illinois to maintain the position as second" in provision of low-income units.¹⁰ The point is that other states are doing no better.

It should be noted that although these levels of implementation are hardly impressive, the provision of more units represented only the first of ten Commission proposals. While the remaining nine recommendations also can be viewed as a way of providing more units, for purposes of analysis, these other proposals can be discussed as separate programs. This is to suggest that the question of implementation can be measured in greater detail by an examination of these other programs.

For example, the second recommendation called for *an expanded and modified below-market interest rate program*. With focus on the private sector, the idea was to make long-term, low-interest financing available to non-profit and limited-profit sponsors. The Commission viewed this mechanism as the best one currently available "for engaging private enterprise in the task of providing moderate and lower-income housing."¹¹

At the national level, under the 1968 Housing Act, section 236 established an assistance program whereby limited-profit, nonprofit, or cooperative housing sponsors can receive FHA-insured mortgage financing for as low as 1 per cent interest rate for up to 40 years. Section 236 replaces the familiar 221 (d) (3) provision which had set interest rates at 3 per cent but which is no longer being funded. Whereas 221 (d) (3) set a rather high upper-income level of eligibility, section 236 gives preference to lower-income families. Moreover, under the new section 235 (j) in the 1968 act, and under the 1966 221 (h) provision amended in 1968, financed interest rates can go as low as 1 per cent. Generally, under any of these procedures the government makes up the difference between the market interest rate and the amount of interest which tenants, in effect, pay through their rentals. Al-

⁹ *Report of the State Housing Board to the Governor*, "Highlights of 1968 and Observations" (Chicago, Illinois: Illinois State Housing Board, 1969), p. 1.

¹⁰ *Ibid.*, p. 1.

¹¹ *Report*, p. 476.

though these technical statutory changes have been made, HUD officials hesitate to evaluate the effectiveness of the changes due to the general condition of "tight money." That is, even modest mortgage rates are relatively severe under the current tight-money situation.¹²

In Illinois, according to recent statutory changes, the Illinois Housing Development Authority (IHDA), which was established in 1967, may make noninterest-bearing advances to nonprofit corporations for constructing or rehabilitating housing. Again, however, there is a serious limitation in that IHDA can make no advances unless permanent mortgaging is ensured by state or federal money.¹³ The State Housing Board also is active in generating private sector construction and rehabilitation. According to the Board's 1968 report, more than ½ million dollars was granted to two not-for-profit corporations in order to foster the construction of moderate as well as low-income housing. Although this allocation is innovative in the sense that some money goes to neighborhood corporations (in East St. Louis), in view of the scope of the housing problem, the amount disbursed is modest at best.¹⁴ Again, at the state level, it is safe to conclude that generation of private sector money and productivity has not been especially effective with regard to low-income units.

The same conclusion might be drawn with respect to the Commission's third recommendation which called for an *expanded and modified rent supplement program, and an ownership supplement program*. According to the Commission, the rent supplement program represented a highly flexible tool for subsidizing housing costs "because it permits adjustment of the subsidy according to the income of the tenant."¹⁵ Although the concept clearly has theoretical merits, there has been mixed progress in meeting the criteria suggested by the Commission. First, rigid architectural standards have not been relaxed to make unit cost standards easier to meet.¹⁶ As a second matter, some legislative changes have been effected. For example, the statutory limitation of rent supplements to new or newly rehabilitated housing has been removed. As a third matter, the rent supplement concept has been extended to provide home ownership for low-income families. As the Urban Coalition reports:

¹² See an excellent summary of the program in *Guide to Federal Low- and Moderate-Income Housing and Development Programs* (Washington, D. C.: The Urban Coalition), 1968.

¹³ *Illinois Revised Statutes, 1967*, Ch. 67½, Sec. 309, 310.

¹⁴ *Report of the State Housing Board to the Governor*, "Housing Corporations" (Chicago, Illinois: Illinois State Housing Board, 1969), p. 26. East St. Louis received only \$37,754.25.

¹⁵ *Report*, p. 477.

¹⁶ With regard to low-cost production techniques, architects generally are viewed as a major obstacle in that they hesitate to become involved in mass-produced "neutral" buildings.

Under the new interest subsidy program for homeowners, 25 percent of the initial money can be used to aid in the purchase of existing homes.¹⁷

These technical expansions, however, seem to be offset by a significant cut-back in rent supplement funds from \$65 million to \$30 million. In this context, any technical statutory revisions might be viewed as irrelevant. What good does it do to make less money more expendable? At the very least, the monetary cutbacks seem to push the realization of legislative achievements far into the future.

The Commission's fourth proposal called for a *federal write-down of interest rates on loans to private builders*. Although similar to the second proposal, this recommendation generally was more oriented to private developers. This distinction is that "private" in this context refers to normal profit dealers. The federal government responded to this proposal by making write-down assistance available through section 235 of the 1968 Housing Act, whereby FHA makes mortgage assistance payments to the private housing developer's commercial mortgagor. The assistance is similar to that of section 236 (interest reduction payments) in that the program can lower the interest rate paid by a moderate-income buyer to as low as 1 per cent.¹⁸ It should be noted, however, that the groups affected by this program generally will be those of a higher income than those affected by section 236. That is, the program is designed for private unlimited profit developers whose market, as the Commission recognized, would be the "moderate-rent"¹⁹ tenant. Such a program seems to have little bearing on the major sustaining conditions of inadequate housing, i.e., widespread poverty and private market segregation.

The Commission's fifth proposal called for an *expanded and more diversified public housing program*. The idea here was to expand funding so as to reduce unit cost limitations and thereby overcome institutional projects and large concentrations of low-income families. To achieve the shift in emphasis, the Commission urged: first, the leasing of scattered site units; and second, the expansion of present "turnkey" programs whereby housing authorities purchase low-rent units constructed by private developers instead of constructing new projects.

With regard to the first objective, leased housing for families in public units has been a part of the Housing Act since 1965. Although the new leasing programs enacted in 1968 added new features (turnkey is the prominent change), generally there has been no dramatic change in the number of public housing dwellers in privately owned buildings. Since 1965, for

¹⁷ *One Year Later*, p. 52.

¹⁸ *Guide to Federal Law and Moderate Income Housing and Community Development Programs*, p. 10.

¹⁹ *Report*, p. 478.

example, leased units have been occupied primarily by the elderly. There is no evidence to indicate that this was changed significantly; but even if it was, the gain is offset by the fact that the number of families living in leased, noninstitutional units is not significant. Chicago, with 36,000 families in public housing, for example, had only 875 families moved into "standard apartments" in privately owned buildings under the Chicago Housing Authority's leasing program.

With regard to the second objective, a number of "turnkey" programs exist whereby housing authorities are authorized to purchase low-rent units constructed by private developers. While these programs represent legal devices for ending racial concentration, at present there are no programs that seriously threaten the continued existence of the slums.

This is true with regard to the Commission's high priority sixth recommendation: *an expanded Model Cities Program*. Viewing Model Cities as "potentially the most effective weapon in the federal arsenal for a long-term, comprehensive attack on the problems of American cities,"²⁰ the Commission urged that the program be expanded beyond the 1967 coverage of 63 cities, and that appropriations be raised to a minimum of \$1 billion. The manner in which these dual recommendations were implemented reveals a great deal about the general nature of the political process and about the efficacy of housing programs in particular. On the one hand, in the second-round allocations, the number of Model Cities programs was increased to 150 in 1968-69. On the other hand, Model Cities funds were cut back from \$500 million to \$312.5 million.²¹ The net effect of these two changes might be to give the outward appearance of progress while actually destroying the meaning and purpose of the Model Cities concept. Consider that the original purpose of the program was to concentrate funds and resources in a few selected "demonstration" cities. Given the nature of the political process — with the need on the part of decision-makers to expand their constituencies — the funds were so disbursed as to destroy the original concept of the program. The disconcerting fact is not that cities were selected for "political" reasons, but that the fragmenting nature of the political process reversed the purpose of a key housing program.

The argument can be made, of course, that any input of money in some cities is indication of meaningful progress. For example, in Illinois, the four cities which receive Model Cities money use limited funds not only as operating money but also as "seed" money. That is, initial planning and action grants are used to attract other federal programs and resources. Although it is too early to evaluate the effectiveness of the four Illinois Model Cities

²⁰ *Report*, p. 479.

²¹ See *One Year Later*, pp. 51-58.

programs,²² theoretically, at least, even small amounts of initial money might have significant import. In this sense there has been some achievement; however, in terms of the Commission's criteria, funding of the program was not sufficient to expand the coverage from 63 to 150 cities. Consequently, Model Cities programs currently are operating under severe limitations.

Since half of the Model Cities' total 1968 fiscal authorization of \$625 million was earmarked for urban renewal programs, it is appropriate to discuss the Commission's seventh recommendation which called for a *reoriented and expanded urban renewal program*. Essentially the Commission urged greater funding levels as well as more emphasis in renewal programs on low-income needs. The realization was that past projects, with limited funds, "were aimed primarily at bolstering the economic strengths of downtown areas."²³ The overall result of such projects was to substantially reduce the supply of low-cost housing.

In response to the needs of the poor, a number of statutory changes have been made with regard to the 1968 urban renewal provisions. For example, the 1968 act provides: (1) that 20 per cent of the housing units redeveloped in urban renewal projects shall be for low- and moderate-income families; (2) that a special "write-down" price for urban renewal land is available when the land is put to low-income uses; and (3) that in general, urban renewal proposals must give priority to the needs of low- and moderate-income families. In short, in terms of statutory revisions, urban renewal is increasingly being converted into a tool to help low-income families. Although the funding of urban renewal was cut from the budget request of \$1.4 billion to \$800 million, this amount continued expenditures at prior levels.²⁴ It is also significant that more than \$300 million of Model Cities money was earmarked to have an impact on urban renewal areas. Nonetheless, these statutory changes have not as yet resulted in noticeable reorientation projects. In Chicago, for example, disputes between low-income renewal residents and upper-income area residents have not been resolved. Given the truly "advisory" nature of project committees in Chicago, only the most optimistic observer would conclude that Chicago's poor will win in a long-term dispute with the urban renewal bureaucracy. The serious cutback in Chicago's program (from \$50½ million to \$37½ million) operates as a further constraint on the major Illinois urban renewal program.

With regard to the eighth recommendation, *reform of obsolete building codes*, even statutory changes have been difficult to implement. There has

²² Chicago and East St. Louis have completed the planning phase but have just entered the first year of the action phase. Rock Island and Carbondale, second-round selections, are in the planning phase.

²³ *Report*, p. 480.

²⁴ *One Year Later*, p. 58. For a concise summary of this and other housing programs see *Congressional Quarterly Weekly Report* (Washington, D. C.: U.S. Government Printing Office, 1968).

been activity at both the national and the state level, but little achievement to date.

In general, the purpose of building code revision is to eliminate antiquated requirements that prevent builders from taking advantage of new mass-production and innovative technologies. Nationally, there has been no effective response to this serious problem. Although both the Douglas Commission on Urban Problems and the National Bureau of Standards have been active in this area, as yet there is no National Uniform Building Code.²⁵ Nor is there likely to be such a code in the immediate future. At present, HUD officials seem to be emphasizing the need for state level action in this regard.

At the state level there has been some action, but little success. In Illinois, two bills which would have provided for statewide "performance" standards, advisory councils and certification of building inspectors, were defeated in the 1969 legislative session.²⁶ Although a similar bill undoubtedly will be submitted in 1971, legislative insiders recognize the great political obstacles which must be overcome to get a bill through the General Assembly.²⁷ At present there is no statewide code, and local governments are free to enact a variety of measures which are expensive to modify and difficult to enforce.

In contrast to this situation, there has been state and national action with regard to the Commission's ninth proposal which called for *enactment of a national, comprehensive, and enforceable open occupancy law*.

At the national level, as a legislative memorial to Martin Luther King, fair housing was made part of the Civil Rights Act of 1968. According to the Urban Coalition, however, Title VIII of the act "only gradually will become the kind of competitive fair housing measure advocated by the Commission."²⁸ The absence of meaningful enforcement mechanisms was cited as the major reason. While the administration requested \$11 million for enforcement purposes, the Senate voted \$9 million and initially the House refused to authorize any money for implementation. Commenting on the denial of funds in 1968, HUD Secretary Weaver said:

We simply cannot implement the fair housing law without more personnel. . . . Without manpower, the fair housing legislation is meaningless.²⁹

²⁵ There are a number of unofficial codes sponsored by the Building Officials Conference of America, the National Insurance Association, the Southern Building Officials, and the International Society of Building Officials.

²⁶ *State Housing Board Report*, (Springfield: State Housing Board, 1969), p. 2. A performance code (as distinguished from a specific standard code) makes technological innovations possible by relaxing the need to comply with rigid sizes, rules, and materials standards.

²⁷ The construction industry and labor unions are two sources of opposition.

²⁸ *One Year Later*, p. 54.

²⁹ *Congressional Quarterly Weekly Report* (Washington, D. C.: Congressional Quarterly, Inc., Sept. 27, 1968), p. 2540.

Although a supplemental appropriation of \$2 million was approved, the bill is no panacea and enforcement problems are numerous. Quickie listings, informal listings, and private brokerage techniques remain as major obstacles. Ultimate success will depend, it seems, upon changing realtors' attitudes.

At the state level, open housing legislation has been introduced and defeated in the past four regular sessions. In a special session in July, 1968, a fair housing bill did get through the House but was killed in the Senate's Registration and Miscellany Committee. However, at the end of the session, "permissive" legislation was enacted which gave cities and villages statutory recognition to enact open occupancy ordinances at the local level.³⁰ In 1969, a similar bill applying the permissive language to counties was defeated. The current situation is that at the state level there is no "comprehensive and enforceable" open occupancy law. And, for a while at least, there is not likely to be one.

At the local level, a number of cities have enacted fair housing codes. The city of Chicago, for example, has had an open occupancy ordinance for some time. Suffice it to say that implementation has been less than dramatic.

Perhaps the most dramatic response has been in regard to the Commission's tenth recommendation, *reorientation of federal housing programs to place more low- and moderate-income housing outside of ghetto areas*. So-called "scatteration" techniques have been discussed at the national level in terms of the leasing features of "turnkey" provisions and land availability programs. However, the most significant development in terms of the proposal is the famous "Austin" decision in Illinois.

In a Chicago case³¹ initiated by Negro tenants in public housing, U.S. District Court Judge Richard Austin prescribed in detail the steps which must be taken

to prohibit the future use and to remedy the past effects of the defendant Chicago Housing Authority's unconstitutional site selection and tenant assignment procedures. . . .

Basically the Negro tenants argued that CHA sites for family public housing were chosen by methods which had the effect of perpetuating Chicago's pattern of residential racial segregation. Information in the case disclosed that CHA officials deferred to local aldermen who vetoed any extension of public housing into white neighborhoods. Essentially, the "Austin Plan" seeks to reverse the concentration of housing projects in all-black neighborhoods by requiring specifically that CHA build 700 units in predominantly white areas (in the city or in the suburbs) before it builds any units in black areas of the

³⁰ *Illinois Revised Statutes, 1969, Ch. 24, Sec. 11-1.*

³¹ *Gautreaux v. Chicago Housing Authority*, Civ. No. 66C1459 (ND ILL., July 1, 1969).

city. Moreover, the "Austin Plan" prohibits CHA from concentrating large numbers of units in or near a single location, and from building family units above the third floor. In short, Austin ruled that CHA must build *small* and *integrated* public housing developments on *scattered* sites throughout the Chicago metropolitan area. Without question, the Austin Plan is of great political significance. At the local level and in the housing area, it is of the same purport as the *Brown* school desegregation case. The issue is whether the Austin decision will be implemented with the same deliberate speed.

Those optimistic about the Austin Plan see the eventual end of the "project" concept. However, given the past resistance in white neighborhoods to low-income blacks, it is difficult to assume that implementation will be realized. Those who are pessimistic about the Austin Plan see the end of public housing in the Chicago area. That is, the ultimate solution to the problem might be no further construction.³² At this point, however, it is only safe to note that either alternative is possible.³³

Part III

Conclusions and Alternatives

Patterns of implementation. Obviously, in view of the Austin decision and other developments, it is hazardous to draw any firm conclusions regarding the question of implementation. Things are still happening and evaluation is difficult. Nonetheless, with regard to the 10 housing recommendations, a number of general patterns seem to emerge:

1. In general, implementation has not measured up to the Commission's own criteria. Nothing close to 600,000 units have been built. Racial ghettos remain a part of the urban scene. To be sure, progress is not achieved overnight. But upon closer analysis it appears that even long-range meaningful implementation is unlikely.

2. As a particular matter, it appears that evident legal achievements were *offset* by political constraints such as low funding and lack of enforcement mechanisms. For example, at the legislative and judicial levels, there has been evidence of both detailed and dramatic change. However, many of

³² This is hardly an unreal possibility. In the mid-50's, the expansion of the Branch County Hospital became entwined with the racial issue of "where" the new facility would be located. Integration-oriented Negro leaders wanted private neighborhood hospitals to open their doors to Negro patients. The city officials wanted the new hospital built in the black community. In the end, the race issue was resolved by *not* building the proposed facility. See Edward C. Banfield, *Political Influence* (New York: Free Press, 1961), Chapter 2.

³³ Other alternatives are of course possible. For example, city officials might get around such technicalities as three-story limits for families by continuing to construct high-rises with families in the first three floors and elderly residents on the next seven.

these largely rhetorical responses have yet to be translated into actual change of problem conditions.

3. In the few cases where responses have been implemented, the characteristic *approach* has been so diffuse as to render the response ineffective. One apparent example is the fragmentation of Model Cities money. At the state level, the same kind of fragmentation occurred with the disbursement of \$110,000 of housing board money to no less than 14 local political units. Theoretically, the money was to be used for so-called comprehensive planning.

4. Not only have achievements been infrequent, but it seems that the few cases of achievement have occurred in selected *areas*. For example, it appears that achievements are more frequent in programs aimed at the private sector than in recommendations aimed at low-income groups. As noted, in response to recommendation four, section 235 was initiated to engage the private sector in the housing program. Theoretically, such a program indirectly benefits the poor. But there are serious doubts that the "trickle down" theory has ever operated in favor of the disadvantaged. As another example, the one program which maintained — indeed increased — its funding level was urban renewal. Traditionally, this program has aided the central district businessman at the expense of the poor.

5. Moreover, the *types* of changes occurring have to do mainly with structural rather than substantive matters. For example, with regard to public housing, the provision of "in-project" services can be viewed, not as a substantive change, but as a structural rationalization of the delivery of traditional services. At the state level, the creation of a cabinet-rank Department of Local Government Affairs in large part represents a reshuffling of traditional governmental relationships and services.

In summary, it appears that the implementation of Commission recommendations has been modest. Moreover, responses have been largely rhetorical, fragmented, and limited to certain areas and certain types of changes. At this point, therefore, it seems appropriate to ask why implementation is difficult to effect.

Technical and substantive problems. In terms of dealing with the housing situation two categories of problems are evident.

First, it is possible to identify a number of serious *technical* (statutory or structural) obstacles to effective programming. At the national level, for instance, it is known that complicated rules of procedure obstruct meaningful utilization of the rent supplements program. At the national level, coordinated housing programs are hindered by multiple sources of funding, which delays program "take off." At the state level, fragmentation of authority between SHB and IHDA represents another theoretical drawback. As noted, the Commission recognized such problems and placed great emphasis on technical kinds of changes, and in certain cases such changes were effected.

No doubt focus on the revision of such technical problems is significant. But the technical obstacle is only one part of the problem of implementing change.

There is a second set of obstacles which might be classified as *substantive* matters. It appears that the key substantive block to effective implementation of recommendations has to do with the question of political power in our society. The argument is that the political system does not solve the housing problem because the very political processes which control the government limit the system's effectiveness in the housing area. That is, the determination of the public good (establishing the priorities of public investment and governmental intervention) goes on traditionally in legislative bodies and in executive agencies. However, as Alan Haber notes:

The composition of these bodies and hence the policy predispositions of their members is determined by electoral and appointive processes. These processes in turn reflect the relative political power of organized constituencies and interest groups.³⁴

The affluent are the most powerful and the best organized. The influence of the National Association of Real Estate Boards, with a constituency of 84,000 realtors, is a good example. The black poor have no influence and are not as yet organized. That is why they are the victims of the housing situation. They will continue to have a housing problem until they gain political power. Government officials are responsive and responsible to the organized private interests which control the political processes. It follows that housing programs will reflect and support the interests of powerful private groups. By this analysis it is hardly surprising that housing programs designed to aid the poor have enjoyed minimal success. In this sense, the substantive issue of political power precedes technical changes and is central to the housing problem.

A substantive-political alternative. Clearly the Kerner Commission did not deal with the substantive issue of political power. The *Report* gives two paragraphs to the matter of powerlessness,³⁵ but generally the Commission focused on technical changes and recommendations. This is reflected in the Commission's use of the term "strategy." In the *Report*, "strategy" is used in the sense of a general *objective* (more housing, less segregation) not as a *means* of implementation. Although such goals are important, programs will fail if methods of implementation are not suggested.

Within the scope of this paper it is impossible to suggest the many ways of dealing with the imbalance of power in our system and the subsequent linkage to the problem of housing. Nonetheless, if the relevant issue is powerlessness, there is at least one way of dealing with it. Two housing programs and one poverty program have, to some degree, endorsed and legitimized the

³⁴ "The American Underclass," *Poverty and Human Resources Abstracts*, Vol. II, No. 3 (May-June, 1967), pp. 5-21.

³⁵ *Report*, p. 205.

concept of community organization of the disadvantaged so that they might have some control over government programs and thus over their own destinies. The community organization concept is based on the notion that until the disadvantaged enter the calculus of decision-making, government policies will not benefit them.³⁶ The stress is on the maximum participation of the poor, and the objective is to secure them a place in the political system via political mobilization. Decentralization, self-determination, political independence, and control of programs are techniques associated with the community organization model. While the concept has its shortcomings and is by no means the only option available, it is offered as one way of dealing with the key obstacle of powerlessness to effect meaningful changes.

Perhaps it is unfair to suggest that the Commission members should have dealt with the substantive as well as the technical issues. Given the limits of time, staff, legitimacy, etc., it is impossible to be all things to all men.³⁷ At the very least, it would be difficult for any group of "reasonable" men to propose "radical" solutions to political problems.

On the other hand, the Commission did come up with a radical (root cause) analysis of the riots and of the housing problem. Why is it that Commission methods of dealing with the problem fell short of the analysis? Is there something about American politics which precludes designing effective solutions to problems?³⁸ Again, these are difficult questions. The only certain proposition is that there will be no cure until the diagnosis is faced up to.

The essence of the Commission's diagnosis is that white racism, nurtured by a white power structure, was the root cause of black rioting. The logic of the present analysis is that white racism must be ended and that to end it, power in America must be redistributed. The Commission did not adequately deal with this key matter. Until the issue is dealt with, and until power is redistributed, governmental responses will be irrelevant to the needs of the powerless. Housing and other programs will surely fail. And in the words of Kenneth Clark, we can expect to see the same old movie again. This is an ugly thought, but one compelled by the facts.

³⁶ Alan Haber presents the model in his *Report to the OEO*.

³⁷ See Michael Lipsky and David J. Olsen, *On the Policy of Riot Commissions* (Madison: Institute for Research on Poverty, 1968).

³⁸ Other groups — divergent as the SDS or the Wallaceites — have a fairly accurate assessment of their situation (alienation, nonresponsiveness of government). Characteristically, however, their solutions are wide of the mark. The Kerner Commission, by analogy, fell short of the mark.

POLICE-COMMUNITY RELATIONS

DAVID J. BORDUA

Part I

It is appropriate to begin this section with what should really be the major conclusion of the paper. My remarks are confined with rare exceptions to the narrow topic of police-community relations in the urban ghettos. Because of this, it is necessary to point out that the problem of race relations in the modern United States is only secondarily a police problem and it is only secondarily a problem that can be dealt with by improving this or that aspect of public administration. The problem is basically political in the larger meaning of that term and its long-run solution will require political action not only to make available equal opportunity for Negroes to compete effectively with whites but political action designed to make the more disadvantaged Negroes capable of effective competition.

Recent Social Changes: The Negro Enters Civil Society

This is not the time to repeat the usual litany of social change with which by now everyone is familiar — changes in the labor market, in the willingness of many heretofore acquiescent groups to accept restriction, etc. There are, however, some changes that have not received as much attention as they deserve and which are particularly relevant to the problem at hand. Four such changes merit brief attention: the entrance of the Negro into civil society; recent patterns of migration of Negroes to Northern and Western cities; the decreasing relevance of the old politics in the face of new bureaucratic social instruments; and basic shifts away from coercion as a means of social control.

The most fundamental of recent changes is the entrance of the Negro into civil society. Like most such events, the occasion is one of turmoil and violence. This entrance has two important implications germane to the Commission's concerns. First, Negroes are now legitimate claimants to protection by the police. No longer are "Casbah" strategies of walling up Negro areas without police service acceptable. Second, like all citizens in a modern legal community, they are now entitled to protection from the police. The balance is hard to strike in any situation but it points to the most fundamental, long-run issue in police-Negro relations.

But Negroes enter modern civil society not only by having civic institutions

extended to them where they are but by migrating from the rural South to the urban centers mainly in the North and West. Thus the rapid change in the civil status of Negroes is greatly complicated by the appearance of large numbers of urban ghetto residents almost entirely unequipped for life in the city. The combination of migration and disadvantage helps create special cultural forms which are of particular significance for policing the ghetto. But migration and segregation also make for great heterogeneity in the ghetto. All sorts and conditions of men can often be found in densely packed proximity. This density and heterogeneity, coupled with lack of detailed knowledge of ghetto social structure and also coupled with the way police activities are organized, means that police often seem to act without the fine discriminations they are able to make under other circumstances.

Problems posed by migration and by the clamoring of excluded populations for civil dignity are not new to American society. They have existed in the past and have been met with greater or lesser success and orderliness by a variety of social devices. What distinguishes the new situation is not only the intransigence of race as a source of social conflict but the ineffectiveness of the old politics of bargaining and machine representation and the rise of large bureaucratic instruments of social administration. The new politics includes the service bureaucracies, not as relatively weak, passive organizations permeated by external private pressures, but as strong, active organizations relatively removed from the effects of extra-organizational social involvements. Given this situation, the center of gravity in social change and adaptation shifts from electoral to organizational politics; from organizations as products of the community to the community as the product of organizations; from the relatively "blind" operation of many small units in a dispersed power market to the relatively "rational" operation of fewer and larger units.

This change brings opportunities as well as difficulties. In the section on modern police organization we shall see that in the case of the police and police-community relations the opportunities greatly outweigh the problems, and that properly conceived and properly handled, the "principled bureaucracy" makes available an important instrument for the reduction of community conflict.

The last of the social changes on which I shall comment is the basic shift away from coercion as a means of social control in modern American society. This can be documented in many areas — changes in child-rearing practices, shifts to human relations approaches in industrial management, the elaborate development of extra-curricular activities as a way of managing children in school, etc. This is not to say that authoritative control is not exercised, but rather that the role of physical coercion has declined appreciably. And, just as importantly, the rhetorics of social control have changed perhaps even more than the realities.

Looked at on the largest stage — control and integration in the nation — major social conflicts are increasingly mitigated by distributive rather than repressive activities. This change in the relative balance of coercion and distribution in the integration of American society has had a bad impact on the general “public image” of the police who seem a brutish anachronism in a society increasingly devoted to control through economic sanctions, ideological persuasion, and welfare-state distributive programs. Even a simple accounting of public expenditures in the Twentieth Century shows not only that investment in police has not kept pace with simple factors such as inflation and population growth but also that investment in other means of managing social conflict — such as education, economic subsidies, and welfare — have increased dramatically relative to investment in police. Negroes are the last large, identifiable and self-conscious group to experience the transition from control through coercion to the more complex modern situation. This transition is closely linked to the migration from the rural South previously mentioned.

The police are never “popular” in the common usage of that term. But the gradual development of noncoercive forms of social control has not only affected the place of the police in the general armamentarium of the state but has also in many ways increased the isolation of the police in the more routine activities of social control in the local community. Until quite recently the police were systematically excluded from participation in the distribution of the “goodies” of the welfare state and, more significantly, they were also excluded from participation in the supportive and rehabilitative activities that are the welfare state’s unique approach to the management of specifically deviant behavior. This exclusion was not the consequence of hostility between Negroes and the police but of the hostility toward the police of generations of social workers and other distributive functionaries. Indeed many rehabilitation programs have an overt anti-police ideology. Some change seems to be taking place, especially in the management of juveniles. Suffice it to say that the stripping from the police of any distributive and supportive functions precisely at a time when the society as a whole has shifted away from a coercive “stance” toward the citizenry and also at the time when rural Southern Negroes are for the first time able to escape the atmosphere of pervasive white violence leaves the police in an extremely exposed position.

Limits on Improvements in Police-Community Relations: Police as Leaders

In most American cities until recently one way for the police to improve their relations with the community was to be rough on Negroes. Indeed in many cities, especially, though by no means exclusively Southern cities, a fundamental mission of the police was Negro control. Statements like these are harsh and, perhaps, a bit exaggerated but they point up the limits of

optimism and of euphemism. For many purposes the community does not exist. Instead, there are harsh conflicts and highly conflicting conceptions of what the police should do. As Negroes become more civically and politically significant they (or the more articulate leaders) demand that they too be heard and that they too be seen as part of a "community" to which the police must "relate." The dimensions and difficulties of the problem can be seen in the ironic fact that despite great unevenness across the country Negroes sometimes have better relations with the police than with other segments of the civil order.

In many cities it is possible for a Negro to get efficient and fair police service. In no city is it possible to get the same from realtors. In many cities the police assign their best people to the ghetto while the schools assign their worst. In many cities it is possible to *get* a policeman, difficult to get a lawyer. In many cities police are in the ghetto nights and weekends working with troubled boys while teachers escape. In many cities a young, intelligent Negro has a chance to become a municipal policeman — none at all to become a union plumber. In many cities a Negro woman fearful of armed robbery can get serious police attention and at least hope for action against the felon. For her to seriously hope for action against a derelict landlord would cast doubt on her sanity. In many cities it is possible to be treated decently in the station house but not to be allowed at all in the country club.

We are, in short, asking the police to lead the community in race relations. For them merely to reflect the community would be a disaster. To say this makes plain the limits of reasonable expectation, however, and cautions us to be on the alert. The American police have traditionally been used to perform tasks too disgusting for the rest of the populace. We are in some danger that relating to Negroes will join the list.

If the police are to improve their relations in the Negro ghetto and if they are to lead, as they must, in extending civil protection and social decency to the disadvantaged Negroes, then they must be organized so as to be free of certain community involvements. They must paradoxically be organized so as to decrease certain forms of community influence so they can be guided by principled norms of conduct and not by subgroup prejudice. It is, in short, no help to have the police closely linked into the local community if that community's main concern is the suppression of Negroes.

These considerations lead naturally into the brief discussion of modern police organization which follows. But they also lead naturally to a relative pessimism about at least the short-run future. It will take important efforts by the police merely to keep things from getting worse. Moreover, if the small cadre of truly extremist leadership among Negroes is successful they will seek to *provoke* incidents between police and populace for the sole purpose of triggering disorder.

Modern Police Organization: From Cultural Participation to Community Management

Research on police organization has only begun and we have no truly detailed studies either of the historical development of police organization or of the effects of various ways of organizing police work. Nevertheless, the outlines of recent major developments are fairly clear and at least some work goes beyond the level of pure speculation about effects.

A variety of terms have been used to describe the central trend in modern police organization: professionalization, modernization, bureaucratization, rationalization. The term professionalization is the one most often used, especially in police circles, but it refers to a wide variety of developments in training, selection, command and control, and general sophistication of planning, manpower allocation, etc. For purposes of these comments the most distinctive meaning of these developments has been found in the progressive centralization of control over police operations and a correlative withdrawal of police from certain forms of community involvement. Concomitant with these developments have been dramatic changes in the efficiency of police operations, speed of dispatch, etc. There has also gradually developed a set of loose strategic concepts about the appropriate mission of the police in reducing crime and an often-expressed desire to raise police occupational status, not only by improved performance, but by clear specialization on the single function of crime control through the apprehension of offenders. The statistical figures on crimes known to the police and crimes cleared by arrest are often used as indicators of success. But perhaps the most important single emphasis is on preventive patrol, especially under the doctrines of aggressive patrol or saturation patrol.

One important conclusion I should like to make out of this completely superficial discussion of police organization is this: these professional developments are a priceless civic resource won after much struggle and against heavy resistance. For the first time they provide us with organizational instruments sufficiently under central control to be rationally modifiable and adaptable to a variety of tasks. The issues now are the uses to which such instruments are to be put. It is precisely the "withdrawal" from the community which characterizes these organizations which makes them available to help solve community conflicts. After all, the sheriff's posse that whipped the Selma marchers was undoubtedly better related to its "community" in the matter of civil rights than any police unit since.

It is particularly important that the society not succumb to an irrational nostalgia for the mythical "old time cop." It is understandable that in times of stress we should imagine that in some golden age there was peace and, moreover, that that peace was brought about by wise and kindly men exercising a kindly control over the wayward. In addition, it is precisely authority exercised in this supposedly kindly but of course also personally arbitrary

fashion that migrating Negroes are likely to hate most. To whites this may be the image of Officer Flanagan. To poor Negroes it is the image of Mr. Charlie.

There is a modern, and on the surface less nostalgic, version of the "Old Time Cop." This is the idea that policemen should be recruited from among the local populace because they will "know the culture." This is a highly doubtful notion for many reasons, the main one being that it is not possible to recruit policemen from those segments of the ghetto which are most problematic. Recruit Negroes by all means, but no one should expect much more knowledge of the problems at issue on the part of Negro policemen than on the part of whites.

All these considerations lead to a basic general conclusion. The modern police can not function simply as representatives of community culture — assuming it is coherent enough to be represented. They must stand aside from the culture to a large degree and function as community managers. This does not mean that they can function without knowledge of local culture and social structure, especially in the ghetto, but this knowledge must come as the result of sophisticated training and must be used in the context of a self-conscious awareness of the management role of the police. Chief among the needed innovations in police training and deployment are devices designed to produce the requisite cultural knowledge and to overcome the culture shock experienced by policemen. No simple formula about recruiting from a supposed ghetto culture will do the trick.

This is especially the case in periods of rapid social change in which police goals will have to change along with the rest of the society. Police recruitment must emphasize trainability and flexibility, the capacity to work in and run small teams with little direct supervision, and the capacity to absorb and further complex organizational goals in rapidly changing circumstances. In short, after a transitional period of professionalizing police organizations it will be necessary to really professionalize policemen.

Demands of the Present Situation: The Police as Monitors of Social Change

Departmental policy and procedure must recognize that the police are presiding over a massive and disruptive historical change and that police action must be geared to a conception of the desirable outcome of that change process and *not* simply to concepts of "law enforcement as usual." In their role as community managers the police will have to participate more in the goal-setting functions of government.

This involves them in "politics." But of course they are involved in politics in one way or another anyhow. If they are to avoid being politically maneuvered into being hired oppressors by reactionary whites or manipulated targets by extremist Negro leaders, they will have to present themselves as detached and principled specialists in community order. As an example,

when white pressure leads the city government to recommend the creation of dog units for use in the ghetto, a professional police chief should be prepared to testify that such a move would decrease rather than increase order and stability.

Implications for Law Enforcement Practice

The following focus will be on suggestions within the law enforcement function itself. Later I shall try to deal with the problem of possible shifts in the "service mix" which the police provide. The order of discussion is deliberate. To reiterate, the basic service which the police provide to Negroes is protection and through that the extension of meaningful citizenship.

It will be helpful to state my recommendations in the form of a few basic policy guidelines with some more specific suggestions and some interpretive discussion following them. The guidelines, like all such general statements, are simple and even trite. They flow, however, from the more complex material of the introduction and can perhaps be made less simple and trite by the more specific suggestions which follow them.

Policy Guideline I: As community managers and monitors of social change, the police should enforce the law as vigorously as possible but short of the point where vigorous enforcement produces more strain than the system can stand.

This of course means that the social and civic state of the ghetto is a legitimate concern of the police as well as the crime rate therein. Some implications of this guideline can be spelled out in terms of more specific choices and requirements.

A. The choice of areas of concentration of enforcement effort.

As previously mentioned, the ghetto is in need of security of person and property. This is the fundamental service performed by the police. They should not reduce efforts in this direction, especially in the area of interpersonal violence, although there are modifications possible in the organization and procedures used. The police can, however, reduce their efforts in the areas of enforcement involving "crimes without victims" such as prostitution and gambling.

Since these latter enforcement activities are largely at the initiation of the police themselves, they do not ordinarily constitute a call for service from a citizen. Moreover, they constitute an "invasion" of ghetto social structure and a kind of gratuitous intervention in activities which neither the ghetto resident nor the larger community are likely to see as a serious threat to public order.

B. The choice between response to reported offenses and attempts to weaken the social formations which are seen to produce offenses.

In many ways it is sound doctrine for the police to deal with crime "before" it occurs. Unfortunately, the way such a doctrine is implemented may cause more harm than good. The most obvious case in point is the common practice of keeping pressure on street-corner groups and gangs. Practices vary greatly, of course, but in many cities a great deal of effort is put into "harassment" of groups of older teenagers and young male adults on the twin grounds that this keeps them off balance and also helps maintain the authority of the police. It is doubtful that there is much real payoff here in the apprehension of real offenders and there is much reason to believe that the hostility generated vastly outweighs any gain in "respect" for the police.

Other preventive practices can be discussed under this rubric. Doctrines of aggressive patrol often give rise in high crime areas to very high frequencies of field interrogation and high frequencies of arrests.

These interrogations and arrests may in specific cases be justified, but the high rates seem predicated on the assumption that the entire ghetto population is "crimogenic." In short, the entire ghetto population is sometimes treated like a gang. There are three consequences of this worth mentioning.

1. There may be a high level of interference with the free passage of citizens who at least at that time are not involved in crime.

2. Arrest records for minor offenses are so high that whole subpopulations, especially young males, come to see themselves as licked before they start; as outlawed from civil society before they have ever participated. Precisely as educational and employment opportunity for young Negroes expands, this relatively free use of arrest becomes the marginal difference between making it and not. *The better things get in the ghetto, the more hostility such practices will generate.* However, to some degree arrest frequencies are the result of the alternatives available to the police. This problem will be discussed later.

3. This kind of police action fails to "shore up" the large majority of law-abiding citizens in the ghetto as much as is desirable. The sometimes indiscriminating conduct of police tends to drive the law-abiding and the law-violating together as allies against the police. This should be avoided at almost any cost. Not only does this destroy the social base for improved police relations, but it tends to discourage the very social developments it should be the main function of the public sector to encourage—the development of more of a stake in conformity and more successful performance within the law. The Negro factory worker walking home late at night from his job should be *escorted*, not *interrogated*.

C. *The choice of social locations of intervention.*

As a general matter, policemen police the streets or at least they police in the streets. No quarrel can be made with this in general. However, police

manpower allocation strategies do not seem to be derived from any sophisticated analysis of just what social spaces need to be made safer. If we take as the main goal of police work the production of safety rather than the apprehension of offenders, then a beginning could be made on the needed strategies. It should be emphasized, however, that the police are not at fault here, since there has been utterly no attention given traditionally to these matters by social scientists. We have produced highly sophisticated analyses of the social structure of factories to help managers increase production and even more sophisticated analyses of consumer behavior to help advertisers increase sales. We have had almost no discussion, much less research, designed to help police produce public safety. What has been done has been done by the police themselves almost entirely.

One of the major gains of modern police organization and professionalization is the development of actually and potentially much more sophisticated ideas of manpower allocation. But key questions remain unanswered. What are the ideal places for locating police? What are ghetto social patterns in detail so that the safety of ghetto residents can be more adequately assured? Should policemen ride busses late at night to protect late workers? Should there be many more local police posts — corner kiosks, etc. — along key routes? Are there ways of distributing the police so they can pay more attention to the people they are sworn to protect and less to potential offenders? Is it really impossible to station police inside buildings, etc?

Policy Guideline II: The police should pursue a policy of co-optation aimed at reducing their isolation as enforcers of order in the ghetto.

This guideline could have been phrased in various ways. The basic thrust is to decrease the vulnerability of the police as the symbolic repressive agents of the society and *also* to enlist the police as sources of pressure on other agencies which now shrink from the “nasty” job of exerting authority. The concrete strategies will vary from place to place and depending upon the particular other agency or institutional sphere involved. I shall try to spell out a few examples of approaches with particularly crucial social units.

A. Examples of co-optation procedures with respect to the legal system.

Many police practices which are disruptive in the ghetto exist because of weak institutional supports for police authority in the United States. The police are likely to expand their operating authority to give themselves a “cushion,” so to speak.

1. The police should refuse to interrogate a suspect in the station unless the suspect has counsel. They should refuse even if the suspect waives his right to counsel. Correlatively, the police should demand that social arrangements for the routine provision of counsel be developed. If this

police insistence on due process should turn out to be illegal, then I suggest a substitute which will be discussed more generally later on. This is the Citizen Observer technique. If a suspect waives his rights or if counsel is unavailable, the police should enlist local citizens (paid by OEO?) as observers of interrogation. The police should *initiate* this program and advertise it fairly widely. They should especially try to enlist members of black activist groups for this purpose.

2. The police should bend every effort to gain statutory and judicial support for police authority where it is legitimately exercised. Most particularly, the courts should be much tougher on cases of physical resistance to the police.

Some of the above may seem "hard-nosed" but it derives from some crucial considerations which have been partially discussed earlier. First, the American police take an incredible amount of "guff" from the citizenry—especially in high-crime ghetto-type areas. This guff is mainly verbal but occasionally physical. Second, while the society seems firmly committed to the social ideal of an insultable police, it does not seem so clear about an assaultable police. Nevertheless, the judicial attitude is often "You're a big man with weapons. Learn to take care of *yourself* out there." A quite inappropriate comparison is often made to the British police who through some magic are supposedly able to gain more compliance with less force. Much of the magic lies in the routine respect shown to police authority by the lower courts, even to the point of using testimony as to the conduct of the defendant toward the constable as an important criterion in deciding sentences within the available discretionary range. The cowboys-and-Indians orientation of many American courts has its limits. Of course there is much bootleg support for the police by the American legal system which occurs in the plea-bargaining process, etc., but its very bootleg nature means that the police must use semideviant means to get formal support.

Third, American society has a long history of abandoning the police and, in effect, segregating them from the rest of the social order. The rest of the society does not want to get involved in the use of coercive authority and thus isolates those who must. This abandonment has been particularly pronounced in the case of the Liberal Intellectuals, who until recently either ignored the police or talked about "brutes in blue." Suddenly these Liberals' values (and interest, one must add) are threatened by disorder and the police are inundated by attention from the professors.

Fourth, the most serious instance of withdrawal from law enforcement by any relevant social category has been the case of the legal profession. The situation is too well known to require detailed comment, but the seriousness of the situation as well as the exquisite irony of the current state of affairs is indexed by the recent recommendation of the President's Commission on

Law Enforcement and the Administration of Justice that it would be a good idea if all police departments had at least a part-time lawyer available. Things are changing, of course, but until recently criminal law ranked low in law schools; criminal defense practice ranked low in the profession, and law schools seemed quite unwilling to train police administrators. Recent changes should be very much encouraged.

The role of the legal profession is even more crucial if we attempt a somewhat more general summary of this whole discussion of police and the legal system. In the long run, substantive and procedural legality is one of the best defenses *of* the police as well as one of the best defenses *from* the police. Legality is the best overall normative base for the police in a time of conflict. But legality in the sense of adherence to norms of due process does not alone provide the police with the necessary social base. While the reciprocal changes mentioned above — more attention to due process by the police, more support for police authority by the courts — point to a more secure relationship between the police and the formal legal system *per se*, it is not a sufficient social base for the police. The police need support, and the accompanying social rewards for restraint, from sources outside the state apparatus itself.

Broadly conceived, the legal profession is the ideal linking or bridging group because of its involvement in the official apparatus *and* its independence from the state. Because of their increasingly crucial role in the creation of law as well as public opinion, the law schools and the organized Bar are the key organizational foci of involvement of the legal profession. Because of their multiple roles with respect to the law, lawyers are the key group in the “legal community” as opposed to simply the officially defined legal system.

B. Examples of co-optation procedures with respect to social units outside the legal system.

1. Following on the argument above, the police should make every effort to involve the legal profession in law enforcement, not only in the obvious ways of securing legal counsel for suspects and for the police themselves, but in the larger sense of participation of law schools and the Bar.

2. The police should make every effort to avoid being placed in the position of hired “bully boys” by other social agencies — public or private — that operate in the ghetto. Thus if, for example, schools wish to avail themselves of police service they should be required to have representatives present and participating at every stage of the case so that it is clear that both agencies share in the imposition of authority. Too often in slum areas the police are visibly despised by social agency personnel and used as a “bogey man” with which to frighten, especially adolescents. The maintenance of order is a necessary accompaniment of the provision of services.

The police are often accused of taking a "narrow" view of the complex processes of slum social change. Their view is not necessarily more narrow than that of other agencies, and much of it comes by being forced into a narrow function. For example, I have seen so-called detached workers glowing with gratification because they were able to gain rapport with "tough" gangs when all they did was constantly warn the boys that if they did not straighten out they would get "busted." The rapport of the worker is purchased by increasing hostility toward the police.

3. The police should involve as many ghetto residents as possible in the role of Citizen Observer. This was previously discussed in connection with station interrogation but it applies much more generally. Observers should be involved in all phases of police operations—from patrol to interrogation to lock-up, etc. A local Citizens' Advisory Committee could be created from among the observers and not only manage the Citizen Observer program but assist the police with other problems as well. The program should be *initiated* by the police. Many departments have similar programs involving law students, journalists, or others as observers. These programs are not only excellent "public relations" for the police but also are ways for police administrators to exert control over the rank and file by raising the social visibility of police operations.

Most such programs, however, are designed to relate police to the non-ghetto community. Needed in addition are programs designed to involve ghetto residents more closely. The police should explore the possibility of recruiting on a systematic basis Citizen Observers from the ghetto itself. A particularly good strategy would be for the police to request other agencies such as the Office of Economic Opportunity to provide funds for small payments to Citizen Observers. This would help to recompense low-income ghetto residents who are working as well as to attract some of the unemployed.

The "mix" of observers should include the range of ghetto social types—stable workmen, traditional community leaders and professionals, unemployed men and, most crucially, members of the new Black Power groups and Black Nationalists.

Such a Citizen Observer program, if systematically developed and used, would serve several purposes. First, it would improve police social awareness of the range and variety of people in the ghetto, not by lectures on "brotherhood" or "subcultures," but by daily contact. Second, it would serve as a device for co-opting potentially hostile ghetto members into at least superficial contact with the law enforcement function. Third, it would again reduce the isolated visibility of the police as the alien source of coercion.

Fourth, it would put the police in a favorable moral position with respect

to the more extremist Negro leaders. By taking the initiative in asking to be observed, the police would steal the thunder from some of these extremists. Even should they refuse on the grounds that they do not want to be "co-opted" (everyone reads the social science literature these days) so they can retain their revolutionary purity, it would be clearer to ghetto residents and potential followers that the extremist program is one of planned confrontation with the police rather than one of simple reduction of police "brutality."

A fifth function servable by an observer program is that of introducing more restraint on police conduct, especially verbal conduct, toward the citizenry. The observers thus become an indirect arm of top police administration. A sixth function would be to introduce new sources of communication into the ghetto about police operations in general as well as about specific incidents. These could be valuable antidotes to the wild rumors that sometimes circulate about even the most legitimate police activities.

Seventh, the development of such a program, especially if it were on a sizeable scale, would be a way of performing the "shoring-up" function mentioned earlier. Most (though not necessarily all) of the observers would be recruited from among the law-abiding segments of the local populace. They would constitute a clear recognition by the police of the social worth of these segments. Such a program would also be a beginning in the direction of enlisting such persons, at least to some degree, on the side of law enforcement. As it is now, many such persons want to both have their cake and eat it. They want police protection but they also want to be anti-police.

Eighth and finally, such a program might help further the process of racial integration within police departments themselves. While little is known systematically, it is reasonable to believe that organizational inclusion of Negro officers has rarely led to much interpersonal integration. No intellectually sophisticated effort has been made to develop concepts of the *ideal* patterns of intradepartmental integration, but as a starter anything that reduces the sometimes high levels of interracial animosity within departments might be a good idea. Careful assignment of observers to uniraical and biracial police teams and work situations might be at least a start in that direction.

While Policy Guideline II is phrased in terms of co-optation, many of the suggested procedures and functions might have been phrased in terms of the more traditional language of communication. This was not done because advice to "improve communication" has been plentiful and has rarely included, even in general terms, the goals of such improvement nor the social structural means which should be used. Nevertheless, there are some desirable procedures directly involved in law enforcement that can be seen as more purely communicative and less involved in actually creating new social structures and roles. This need for improved communication and knowledge leads to the next policy guideline.

Policy Guideline III: Communication to police about the ghetto should be improved, as should communication between police and ghetto residents.

In some ways this is the most trite and shopworn of the guidelines. This is so, not because truly effective programs for improving communication are widespread, but because the talk about communication is so common and communication often is seen as a magical specific that can substitute for effective reorganization and action. As a general thesis the basic thrust of the preceding section can be repeated. Communication is likely to be best when it takes place as part of stable and continuing social relationships such as the Citizen Observer program. In many ways communication is best when communication per se is not the manifest aim of a program. Many police-community relations programs do not significantly affect the relational systems which in fact involve police and community, and therefore they are less effective than they might be.

Because of the varied literature on this aspect of the problem, I shall not attempt much in the way of detail here. The more specific comments will be divided into two areas: communication to the police and communication between police and ghetto.

A. Problems of communication to the police about the ghetto.

Much effort is currently being expended attempting to acquaint the police with minority group cultures and attitudes and with the special problems of policing, especially in Negro areas. To my knowledge, most of these educational programs have not been really well evaluated or even researched at all. Such educational programs suffer from a number of serious handicaps—shortness of time, removal from daily operations, the difficulty of translating new “knowledge” into effective procedures, the presence in influential positions of command personnel who subtly or otherwise punish users of “new-fangled” ideas. Nevertheless, the general effort must be continued and even expanded.

Formal educational programs should be expanded, not only because their content is needed, but because they define policing as a sophisticated and “intellectual” pursuit in a complex modern society. Such programs should ideally be associated with colleges and universities, especially when conducted for command personnel. This would help break down the social isolation of the police from the academic and/or intellectual segments of the larger community.

These kinds of formal educational programming overlook, however, many possible techniques for improving communication about the ghetto and its problems. Some of these other techniques can be briefly referred to here. More detailed exposition would require more time and certainly more knowledge of specific local details.

1. The use of white-Negro relations within police departments as channels of communication. As mentioned previously, "integrated" departments seem characterized by much estrangement between white and Negro officers. Perhaps something like "T-Group" programs across racial lines would be helpful, at least in communicating more effectively to whites what it is like to be a Negro in modern American society. Other more sophisticated uses of integrated teams, etc., might be devised.

2. Police departments could require that as a condition of promotion all new sergeants live for some short period with "host families" in the ghetto. If done on a regularized basis, this would also help with problems of changing the attitudes of ghetto residents toward policemen. Host families could be recompensed out of police training budgets or some other source.

3. Policemen — perhaps mainly new sergeants who are a critical group — could be attached temporarily as part of their training to social service agencies — public or private — serving ghetto populations. This would acquaint them not only with the complexity of ghetto social life but, perhaps even more importantly, with the aims and efforts of other service agencies.

Suggestions such as the above lead naturally to the second half of Guideline III, communication between police and ghetto residents.

B. Problems of communication between police and ghetto residents.

Here, of course, it is possible to go far afield. Suffice it to say that almost everything police do in or to any population is "communication" in the sense that it conveys important symbolic content even if intended to simply do a job. It is not my intention to cover the range of police operations from a communication perspective. Neither is it my intention to discuss the variety of devices such as meetings with local groups, etc., which have been developed by police around the country. As is the case with formal educational programs, these procedures have rarely been evaluated systematically or even studied carefully. Moreover, it is not clear what the consequences for such programs of the newly emerging Black Nationalist and Black Power movements will be.

My only suggestion here is in a very ordinary but, I believe, significant area: Simple improvement of the level of courtesy with which police approach and deal with ghetto residents would pay big dividends. Included in this courteous discourse would be much more explanation of the rationale behind specific police actions, e.g., field interrogations, etc.

On this somewhat banal note I shall end this general section on impli-

cations for law enforcement and turn to the problem of the "service mix" provided by the police.

Implications for an Increase in Supportive Services

In the introduction to these comments I mentioned the negative consequences for the image of police which flow from the fact that methods of social control and social integration have generally shifted from the more obviously coercive to a complex mixture of distributive activities, persuasion, and economic sanctions. The police come then to seem, even within the realm of state activity, exceptional and strange. For loose discussion purposes we can say that the police have come to be identified almost entirely with the coercive function of the state and isolated from involvement in the "supportive" functions performed by the modern welfare state. This distinction between coercion and support is hard to make consistently because of the problem of specifying who the clientele of the police are. The coercion of person A may be socially and emotionally supportive of person B.

Another social change is relevant here. Without attempting a sophisticated analysis of recent history, there are many signs that all segments of the populace are much more acutely aware of their formal rights and more insistent that they be respected. Recent Supreme Court decisions may indirectly contribute by making the populace more rights-conscious and less willing to let the police function more broadly as general representatives of "moral," as opposed to more narrowly legal, order. Paradoxically, it seems as though the increased power of the state is accompanied by a decreased power of the police. The public as a whole seems less willing than formerly to accept informal dispute-settling and conflict-mediating activities on the part of the police, or indeed police direction in any matter in which the legal basis for police action is not clear. Another way of saying the same thing is to say that increasingly police are required by popular attitude either to make a formal arrest or to take no action at all in a situation.

Given this situation, attempts to change the service "mix" provided by the police in a more supportive direction may run into serious popular and even legal difficulties. Clearly the need is for activities that do not run the risk of increasing the visibility of police as agents of coercion.

Policy Guideline IV: Police should increase the amount of supportive service that they perform.

This is a far more complex area than those which have already been discussed, and specific recommendations are harder to make without much more qualification than is appropriate for this document. Nevertheless, it is possible to divide discussion here into three roughly distinct areas: the performance of "traditional" or customary nonenforcement or semienforcement services, the development of routinized large-scale services of a more support-

ing or "helping" nature which are also highly visible, and development of the police in the direction of a generalized "public safety" or protection service with police as a kind of generalized "ombudsman" for the poor.

A. The performance of traditional or customary nonenforcement or semi-enforcement services.

Interestingly enough, we do not know very much about the actual pattern of services the police do provide. Clearly, however, they have traditionally provided a wide variety of services which are either unrelated to enforcement or only tangentially so. One recommendation would be that professionalizing departments be very careful about reducing these services in order to concentrate on crime control per se. Even today in highly professional departments much of the work of units such as patrol is what the men sometimes call "Mickey Mouse" services, e.g., cats in trees, lonely widows with vivid imaginations. Police operations analysts should study the causes and consequences of such requests for service with an eye to developing a more positive approach.

B. The development of routinized large-scale services of a supportive or "helping" nature which are at the same time highly visible.

A classic example here is ambulance service. It would be nice if every American community had a really efficient ambulance service and even nicer if the police could provide it. The intent here is to build into police operations on a routine basis some of these helping functions. As police work and other social services are presently organized, however, this may be difficult. In many areas, e.g., counseling of new migrants or helping youth, it is more sensible for the police to work in a multiagency setting.

C. The development of the police in the direction of a more generalized "public safety" or protection service, with police as a kind of generalized "ombudsman" for the poor.

Recent suggestions for changes in the service "mix" provided by the police seem to indicate directions of development rather different from those indicated immediately above. The President's Commission idea of the Community Service Agent is one major example. Nowhere have these newer ideas been formalized fully, so it is necessary to react in a rather unsystematic fashion. I should like to do so under two separate headings: the role of the police as a referral source in the solution of personal and family problems, and the role of the police as processors of complaints involving other public service agencies.

Before proceeding with the discussion of material under these two headings, it is helpful to back up a bit and reconsider another of the social changes mentioned in the introduction to these comments. This is the change from traditional community politics and structure to ones based much more on large

formal organizations. These organizations are the characteristic systems of our time, so to speak, and two areas of organizational activity are particularly relevant for the problem of police-community relations in the ghetto: organizations as resources for the solution of personal and family problems, and organizations as providers of physical services and regulators of the quality of physical services.

The isolation and specialization of the police of which we spoke earlier has been accompanied by the development of an elaborate congeries of formal organizations whose services are relevant to ghetto life. The broad distinction between those focusing on personal-social problem-solving and those focusing on regulation and the provision of physical services is very rough, but useful, especially since many of the former are private whereas the latter are public. Moreover, suggestions for change in police practices will differ for the two areas.

1. Organizations involved in the solution of personal and family problems.

One of the obvious anomalies in the organization of social services in American cities is that the many organizations possessing resources for the supportive solution of personal problems have very limited access to the population(s) with the problems, while organizations having access to these populations have very limited resources for the solution of the problems encountered. The police are of course preeminent in this latter category.

Another important consideration here is the fact that the problem-solving agencies exist in such multiplicity and confusion that even where a potential client wants to become an actual one, he is often deterred from doing so. This problem of lack of access is especially pronounced among the poor.

One obvious, and I think crucial, suggestion here, is for the police to function as referral sources to link problems with resources. Police can be trained, I believe, to make rough initial diagnoses of many problem situations and make reasonably satisfactory initial referrals, especially if some combined referral point is available. The police are obviously not the only agency whose referral function can be improved, and there are many programs designed specifically to improve the referral process. Our concentration here is on the police, however.

Systematic involvement of the police in the referral process should have several main features and could conceivably have several main results.

As to the main features, the following seem foremost:

a. The referral should be obligatory on the agency involved.

The agency should be required at minimum to do a preliminary analysis and report results to the police.

b. The referral should be voluntary on the person(s) involved, although it would be legitimate for the police to use information on past refusal or unsatisfactory relationship with the social agency as grounds to arrest in the next instance where law violation is involved, e.g., repeated domestic disputes with threatened or actual violence. This procedure is of course much like that followed (ideally) with juveniles in many departments and, of course, raises some of the same issues of legality.

2. Organizations involved in the provision of physical and/or regulatory services.

A wide variety of agencies have the responsibility for the provision of general physical services and/or regulating the "physical" conditions of life in the ghetto. The most crucial of these agencies are public, e.g., housing inspection units, street and sanitation departments, and weights and measures inspection units.

Ghetto residents report a wide variety of dissatisfactions with these agencies, with the focus perhaps especially on housing code enforcement units. One of the reasons for the dissatisfaction is that the poor often have no effective way of bringing pressure to bear on these agencies. The traditional methods of party political activity do not seem effective. The newer methods of grass-roots community organization seem thus far to be also of limited effect.

One sensible suggestion here is to make the police the generalized representative of the ghetto citizen in his struggle with these agencies. The police would thus receive process and follow-up complaints involving such agencies. *This is tantamount to making the police the Ombudsman for the poor.* This is in many ways an attractive suggestion, but it is necessary to warn against many pitfalls.

A few general points can be made. First, the use of police to process complaints could easily make the police more vulnerable to attack and even more the target of hostility. There is, after all, no real assurance that police involvement here will in fact improve the level of city services as they affect the ghetto poor. Thus the police could be held responsible for a wide range of service "failures" from which they are at least dissociated at present.

Second, city services in general need improvement and rationalization and more effective programming, especially in serving Negro lower-class areas. The required changes should be approached directly by city and state government. The capacity of the urban bureaucracies to resist and undermine change is so highly developed that no palliatives in the way of involving the police should be provided which will prevent real change.

Third, it is not clear to me how in fact the police would be able to "enforce" their wishes with respect to citizen complaints. Would this not deeply

involve the police in the bureaucratic in-fighting which is so characteristic in the area?

Finally, I should confess that my caution here is partly due to objections of the sort raised above, but also partly due to my real lack of knowledge of current practices and future possibilities in this sector of possible police operations.

Implications for Police Organization

The basic suggestion I have for change in police organization follows closely the recommendations of the President's Commission on Law Enforcement and the Administration of Justice. The basic concept is that of the Area Team which would be responsible for the public safety and order and most operations in a delimited area of the so-called ghetto.

Teams would be composed mainly of detectives supplemented by Youth Officers, some patrol personnel, community relations people, etc. The basic operational idea is to reduce the over-reliance on patrol, increase the refinement of police information-gathering so as to reduce the level of field interrogation, etc., and to create more of a sustained but less abrasive "presence" of the police.

Internally the team might have some specialization, e.g., between burglary and robbery men, but this should not be overstressed. The functionally specialized divisions within detective units would still be maintained for operations elsewhere and for dealing with particularly "sticky" cases.

Ideally this sort of team would spend much more time within ghetto society than do patrol people. One main function of such a unit is coordinative, especially in the flow of information concerning the social state of their area. Perhaps devices such as frequent conferences, etc., would not only generate better information flow but would actually see that some of it was used instead of bottled up in "beat books"!

This concept implies somewhat greater decentralization than at least some departments now display. Decentralization is an increasingly "good" word in police circles. It is important therefore to recall the important values of centralization alluded to earlier. Centralization has many values in efficiency and control and especially in maintaining the sense of organizational and occupational separateness and morale necessary to minimize corruption, brutality, and other forms of malpractice. Many modern organizations have been faced with similar problems (e.g., the military, correctional institutions, mental hospitals) and they have at least made attempts to develop new combinations of central control coupled with decentralized initiative and inter-rank collaboration.

Problems of control are central and complex. These team concepts pre-

suppose a police controllable largely through training, commitment to mission, and involvement in local teams that change personnel slowly enough to maintain an *esprit de corps*. Present control techniques such as crime clearance rates, response time measures, and arrest quotas presuppose low commitment and lack of subgroup morale.

Thus along with such a system would have to come quite different techniques of supervision, communication, reporting, and control. They could not all be detailed here even if known, but the general thrust should be toward a more collaborative effort with more conferencing and more involvement of superiors as guides, leaders, and consultants rather than as merely order-givers.

In many departments there would be serious problems of implementation. Some of the most resistant might well be those which are by many criteria good ones. Especially in those where centralized professionalization is only a recent achievement, suggestions of the sort presented here and in the President's Commission report will seem like a return to the "bad old days." If "Officer Flanagan" means "Mr. Charlie" to many Negroes, it means "police scandal" to many professional police administrators.

One last suggestion may be superfluous, though I doubt it. It has to do with the general spirit in which the police are approached. Police work is an honorable estate. It's practitioners should be honorably approached.

Part II

The most sophisticated national survey of police-community relations programs and problems was prepared for the President's Commission on Law Enforcement and Administration of Justice. In reviewing a number of programs, the survey lists weaknesses that affected one or more of the programs then in existence. In no particular order these are: noncommitment of the top police command; use of community relations units solely to respond to crises; serious budget problems; problems of organizational placement and lack of direct-line involvement; weaknesses in the District Committee system; hasty implementation and the tendency to mechanically copy other programs; stress on public relations or selling the police image; failure to reach the "grass roots."

Examples of Program Pitfalls

The President's Commission Survey cited above contains fairly detailed descriptions of several community relations programs. It seemed useful to conclude this paper by describing three rather ambitious programs differing in nature but having in common the fact that they all have experienced difficulties.

The first example is the San Francisco Police-Community Relations Unit.

It is described both by the President's Commission Survey and in a 1968 publication by Jerome H. Skolnick.¹

This was a special unit which was organized after considerable political pressure in the city and which enjoyed the full support of the Chief of Police. It was, however, largely opposed by the rank-and-file policemen. In the course of its operations, the unit became isolated from the rest of the force and its work was poorly integrated with the rest of the department's activities.

According to Skolnick, the unit did, however, develop good working relations with the several police-relevant minorities. Indeed, this developed to the point where Skolnick describes the unit as becoming a kind of "ombudsman" for minorities. In the process, the unit's members and director became unusually sympathetic to the needs of minorities and thus found itself caught in the middle in police-minority conflicts. This in-between position became particularly clear when the unit began receiving — and attempting to act upon — complaints against the police. This, of course, made conflict with "regular" police even sharper.

Correlative with these developments, the local (and national) political climates changed and the Chief of Police found himself under increasingly severe pressure to change the unit's operations. The pressure came from several sources; but Skolnick singles out a police unionization movement led by an extremely conservative union leader as especially significant. The unit was ultimately partly reorganized and its director was squeezed out of the department.

The major implications of this description seem to be that such specialized units should not be left in such an organizationally exposed position; that a specialized unit can become a focus for police animosity unless great efforts are made to improve community relations attitudes generally; that strong political support is needed to sustain such pioneering efforts; and, finally, that police-community relations should *not* take on the complaint-processing function. In order to avoid this last difficulty, however, it will be necessary for the department to *have* an effective complaint-handling system.

The second example of program pitfalls is the North City Congress Police-Community Relations Program of North Philadelphia.² This was a thirty-month long program. Major elements were district committees, police institute sessions involving some 1,300 officers, community workshops involving some 4,900 residents, and inter-group sessions attended by a mixture of 2,300 police

¹The President's Commission on Law Enforcement and Administration of Justice, *A National Survey of Police and Community Relations*, Field Surveys V (Washington, D. C.: U.S. Government Printing Office, 1967); J. H. Skolnick, *The Police and the Urban Ghetto*. Research Contributions of the American Bar Association, No. 3 (Chicago: American Bar Association, 1968).

²*North City Congress Police-Community Relations Program: Final Report* (Philadelphia: North City Congress, 1969).

and local residents. Other activities included in-school workshops and a wide variety of other meetings. The program also included a research unit which carried out an evaluation of the program.

The program was extremely complex, and unlike the case with the third example, documentation of the effort and outcome is great. As a consequence, summary of the program is far more difficult.

Because of the significance of the program and the pessimism of conclusions drawn, the final report of the program should be read by anyone setting out on the police-community relations path. The report concludes that the program failed and that it did so because the mechanisms used — based on “community organization” theory — could not meaningfully affect the power imbalance that produces the problem of police-community relations in the first place.

Two major specific areas of failure are identified. The community committees did not persist generally after the end of the program. Thus, the effort to create a permanent structure in the community did not succeed. More significantly, however, the report concludes that attempts to change police attitudes failed. The police participants did not seem generally to value the training. This was especially true of the white officers.

Perhaps the most general conclusion of the authors of the report is the following:

Correcting the police-community power imbalance is crucial in any hopes for improved police-community relations. And in the absence of fairly strenuous social change, this imbalance cannot be corrected without the allocation of some authority over police action to the community. There must be some form of “community control” over Departmental policy-making, and particularly over District policy, procedures and personnel.³

The conclusions clearly indicate the disillusionment of the program staff. They also indicate the shift from a civil rights movement orientation to a more “militant” one. In a sense, this program and the Washington, D. C., Pilot Precinct Project which will be discussed next indicate different periods in the history of local politics in large-city black ghettos.

The conclusions drawn in the North City Congress report will appeal to readers of the report differently, depending on their ideological bents. Some program features are open to criticism, however, even from the more routine point of view of the mechanics of program implementation.

The most general criticism is in the approach to the police. Through no fault of the program, support by key middle-level command was lacking even though the program had at least rhetorical support from top command. Moreover, it *seems* from the report that program staff were not particularly

³ *Ibid.*, p. 86.

knowledgeable about police nor were they likely to be identifiable as sympathetic to police viewpoints.

Ironically, the North City Congress effort seems to have been formed by a rather more “radical” viewpoint and to have ended with a more “conservative” result as compared with the next example which seems to have had somewhat more of a “police-oriented” viewpoint but, thus far at least, seems to have set in motion more “radical” change.

The third example is the Pilot Precinct Project instituted in Washington, D. C., with an eighteen-month grant from the Office of Economic Opportunity.

The project had several major components. The most innovative was the idea of a Precinct Citizens’ Board. The political thrust of this part of the proposal is indicated by the following: (a) the board would be representative of all the people of the precinct; (b) the board would not be handpicked by the “establishment” but would be formed by methods suggested by residents of the precinct, i.e., through a general election or whatever means would guarantee a really representative board; (c) the success of the project would be absolutely dependent on the development of a good relationship between the board, the Metropolitan Police Department, and the staff of the Pilot Precinct Project.⁴ One of the criteria of success of the project was stated to be whether board members felt they had real influence. The Citizens’ Board would “carry the weight of organized, representative public opinion.”

This conception of the Precinct Citizens’ Board then is quite different from the neighborhood committees described in the North City Congress program. Indeed, it seems a step in the direction of “community power” as recommended in the final report of that project. The dilemmas of “reformist” devolution of power are illustrated, however, by the statement that the Precinct Citizens’ Board would not have direct control over police operations. Its members would not be able to give orders to police officers, and it would not have the power to hire and fire policemen.⁵

Other aspects of the program included the idea of Satellite Service Centers — the number, nature, function, location, and staffing of which would be determined by the Precinct Citizens’ Board. Funds were available, in addition, for other programs in the precinct, the nature of which was to be determined by the board.

A police training program was included and was to have been influenced by board decisions. It was conceived, however, as more directly determined by the project staff and, indeed, was conducted systematically even though after almost nine months no Precinct Citizens’ Board was in existence.

⁴ *The Pilot Precinct Project* (Washington, D.C.: Corporation Counsel, Government of the District of Columbia, no date).

⁵ The President’s Commission, *op. cit.*; Slotnick, *op. cit.*

The Precinct Citizens' Board idea was central to the whole program concept, and its fate has so far been central to project history. Description of outcome thus far will focus on the process of creating the board. Training, with one interruption of four months, has proceeded and some impressionistic assessment of "success" can be made.

The history of the project to date can be largely written as the history of one example of the peculiar politics of police-community relations projects in a large urban black population. The history available here can only be sketchy. A full history of the project is being prepared and should be extremely valuable. Much of the information used here comes from an interview with a former participant and should be regarded as quite provisional.

The first step in project implementation was selection of the precinct. The aim was a precinct selected by citizens rather than the "power structure." A Precinct Selection Committee of thirty-nine members was appointed by the mayor to make the choice. Five members resigned soon after committee formation and were replaced by six youths drawn from the eligible precincts.

Precinct selection criteria included many factors: crime rates, measures of poverty, size of youth population, complaints against police, receptivity of police to the project, and receptivity of citizens.

These last two criteria indicate the uniqueness of this project — particularly the criterion of receptivity of the police. This indicates a quite different approach to police than seems implicit in the North City Congress project. Police receptivity was measured by a direct vote of police officers on whether they wanted the project in their precinct. Citizen receptivity was assessed by a series of hearings at which those present voted. In all six precincts a majority voted in favor of the project. In the Thirteenth Precinct which was finally selected by the committee, only two people voted — both in favor. The rather dry language of one document indicates something of the future course of events. "It may be that the other people present at the hearing were afraid to vote because an opponent of the project was standing by the ballot box with a lighted match in his hand, stating in strong terms his opinion of anyone who would vote for a project like this."⁶

After precinct selection, the next steps were to be taken by the project staff. These included meetings between staff and resident groups and an intensive public information campaign. This phase was to have concluded with formation of a Planning Committee which would come "from all the groups and neighborhoods" of the precinct. This Planning Committee, in turn, was to create the conditions for election of the Precinct Citizens' Board.

Approximately nine months were consumed before the necessary community election could be held. Early attempts at creating a working coalition

⁶ Corporation Counsel, *op. cit.*, p. 5.

of community groups were frustrated by the opposition of what are described as "militants." An earlier coalition of older, more "middle-class" blacks was opposed by the "militants" who were supported by influential leaders of the local O.E.O. agency, civil rights groups, and others.

Some three to four months of negotiation followed, during which the police precincts were consolidated into districts in an administrative reorganization. An attempt to organize an election was unsuccessful during this time because the project staff was accused of engineering the consolidation to undermine the political strength of the opposition. Another attempt to hold an election came to naught when the "militants" threatened to prevent an election and to disrupt planning and election meetings.

At this point the project staff suggested proceeding without an election, but the city government said to try again. In this next try the Pilot Precinct Project Staff undertook to see that meetings would not be "packed" and to guarantee the personal safety of persons attending the planning meeting. A planning meeting was finally held at which police were present to verify credentials and prevent disorder. At that meeting some twelve of the approximately seventy present attempted to disrupt and partially did so.

Finally, however, the "militants" agreed to participate in election planning and an election date was set. At this point the project director resigned, thus removing himself as an election issue. The election was held; the "militants" gained control of the Citizens' Board and an opponent of the project was elected board chairman.

Despite this seeming victory for the "opposition," the board has formulated what has been described as a good proposal for continuation of the project. The project's political vicissitudes continue, however, at other levels. The Precinct Citizens' Board is now fighting for itself and for the project against a Congressional investigation. Moreover, the funding agency has renewed funding for only thirty days pending . . . what? The city government backs the project completely.

Meanwhile, the actual training sessions involving precinct police and local citizens were undertaken. Training was interrupted in April, 1969; it resumed in September of 1969, and continues at present. To date approximately 375 officers and citizens have participated. Training is on duty time, with the project paying for overtime of other officers to maintain coverage. Training sessions have emphasized role-playing, small-group discussion and confrontation involving police, and "street dudes" and "young militant" blacks.

As yet there is no formal study of the impact of the training or other parts of the program. There is evidence, however, that the training program was ultimately well received by the police. When the director resigned, a letter commending him is reported to have received over 200 signatures—before someone tore it up! Initial reception by rank-and-file officers was suspicious,

and training sessions uncovered the usual resistances though they proceeded fairly smoothly. Cooperation by middle-level command was described as good, perhaps due to the fact that the project director was well known to the lieutenants and sergeants, having spent a great deal of time on the streets with them. The support of the city government and the placement of key project staff as employees of the Department of Public Safety may have helped here. In addition to the director, other staff members had had experience with police (some had been policemen) and have been described as critical but knowledgeable.

Feedbacks between the training part of the project and the political process involved in election of the Precinct Citizens' Board must have been complex, but only two have been described. The interruption in the training previously mentioned was caused by the "disruption" in the political process. In another instance, an achievement of the training program seems to have created an embarrassment to anti-project forces in the precinct.

Members of the Spanish-speaking community demanded Spanish-speaking officers. Some 150 officers volunteered for an intensive six-week language and cultural immersion program that was received very well both by the officers and by the Spanish-speaking citizenry. The success of this special program seems to have operated to demonstrate the good faith of the project as well as its ability to deliver a product of value. As a consequence, the anti-project black leaders were confronted with demands from their constituents to moderate their opposition.

It is difficult to compare the Washington and North City projects, particularly since the Washington project is still going on and information is so sketchy. It is helpful to hazard some comparative interpretation, however.

An obvious interpretation would be that the North City project had trouble with the police while the Washington, D. C., project had trouble with the community. This would be rather short-sighted. The "troubles" with the community in Washington, D. C., may represent a necessary and constructive political process of creating sufficient local awareness and political "texture" that a meaningful community voice could be developed. Programs that include local citizens' bodies and do not expect a virulent local politics are not likely to succeed, particularly in the larger cities. From this point of view (and from a great distance), the "disruptive" concerns of the "militants" and the seeming short-sightedness of their allies may take on a different light. The business of politics after all is to present alternatives and to create the collective vehicles for meaningful participation in decision-making.

It seems clear that the Washington project dealt with the police in a much more sophisticated way. This stems from the nature of the project staff as previously mentioned, from the support of the city government, and from

a viewpoint that defined individual policemen as among those who should have a voice in the location of the project.

There are also other elements that seem significant about the Washington program. Washington, D. C., is after all demographically a predominantly black city with a black mayor. Police-community relations politics will surely be different in such a setting.

Finally, the structure of the program in Washington seems to have been sociologically more sophisticated. The selection of a single precinct made a more manageable unit. As the final report of the North City Congress project points out, North Philadelphia was simply too large. Moreover, the mode of selecting police participants from different districts and different units meant that there was little sense of organizational commonality among them.

We can conclude with one very serious problem in both projects — the problem of short-term grant support. The threat of fund withdrawal or nonrenewal hangs over these programs like the proverbial sword of Damocles. This is hardly the appropriate fiscal basis for stable, long-term social change.

THE KERNER REPORT AND THE MASS MEDIA

GENE GRAHAM

Part I

Two years beyond the city riots of 1967 and the report about them by the National Advisory Commission on Civil Disorders, the effect of the mass media on such disorders is still under intense debate. There is no great risk in predicting that as long as unrest persists, those who presume to "inform and educate" the public about such disorder through "fair and courageous journalism" are unlikely to win popularity prizes.

The terms encased in quotation marks above are used advisedly, for they are borrowed right out of the so-called *Kerner Commission Report* and lie at the heart of the two major criticisms it leveled at news media coverage (particularly television) of the 1967 urban riots. We shall deal with those criticisms shortly, but it should first be acknowledged and understood that by no means all of the public accepts the Kerner Commission's underlying presumption that to inform *and educate* the people about the ills of society are proper missions of the news media. To inform, yes, but to educate implies something more. And while the modern journalistic fraternity almost unanimously accepts this dual notion of its mission, there is ample evidence that large segments of the populace not only reject that presumption, but resent it. Some, of course, do not even wish to be *informed* of unpleasantries.

As for "fair and courageous journalism," in such circumstances, there obviously is no such thing except by one's own definition. A society that has turned a condition of light polarization into a heated cliché of politics is hardly in a mood to accept any individual or group definition of those terms. What is courageous for Senator McGovern is clearly unfair on Vice President Agnew's front page or tube, and vice versa. One can magnify that generalization to a number of powers when applying it to sensitive racial matters covered by the Kerner study's Chapter 15, which deals with highly visible news media, their effect on the riots, and what they ought to be doing about them.

Well, what is their effect? And well, what ought the media to be doing about riots and other civil explosions?

The answer to the first of these questions is that nobody knows, and the

answer to the second depends upon the prejudices of the respondent. Take the first:

"The question is far reaching and a sure answer is beyond the range of presently available scientific techniques," said the Commission at the outset of Chapter 15. "Our conclusions and recommendations are based upon subjective as well as objective factors; interviews as well as statistics; isolated examples as well as general trends."

Or, if you prefer, "Tonight I've raised questions. I've made no attempt to suggest the answers," said Vice President Agnew at the conclusion of his now-famous Des Moines treatise on television news. "The answers must come from the media men."

Those media men, who *must* answer the second question — How do you cover riots and such? — may search vainly for guidance between such highly-charged rhetorical questions-suggesting-no-answers as this one from the Vice President:

"How many marches and demonstrations would we have if the marchers did not know that the *ever-faithful* TV cameras would be there to record their *antics* for the next news show?" (Emphasis mine.)

And conclusions like this one from the Commission:

We believe it would be imprudent and even dangerous to downplay coverage in the hope that censored reporting of inflammatory incidents somehow will diminish violence.

All this is not meant to provide "cop-out" or apology for the media, whose sins are legion, but to suggest the tormenting ambivalences that beset anyone — inside the trade or out — who attempts to recommend a firm course for newsmen to follow in the performance of whatever their duty might be, a certain already-noted ambivalence surrounding even that.

The Kerner Commission understandably got caught in a number of such internal conflicts, therefore, and this greatly reduced the value of its suggestions. For example, having judged that it might even be dangerous to censor reporting of inflammatory incidents, the Commission noted, with obvious approval, that participants at its Poughkeepsie conference "admitted that live television coverage via helicopter of the 1965 Watts riot had been inflammatory, and network news executives expressed doubts that television would ever again present live coverage of a civil disorder." In the future, it was suggested, they would view and edit (not censor?) taped or filmed sequences before broadcasting them. Yet it was the editing of tape that brought such criticisms of TV coverage of the Chicago convention, the next mass incident of civil disorder beyond the urban riots of 1967 and those that followed Martin Luther King's assassination in April, 1968.

Vice President Agnew said:

Film of provocations of police that was available never saw the light of day while the film of a police response which the protesters provoked was shown to millions. Another network showed virtually the same scene of violence from three separate angles without making clear it was the same scene.

Indeed, the entire question of press-police relations provides every analyst of civil disorder a full range of ambivalent feelings. The Kerner Commission again was no exception and therefore had little help to offer the media in this intensely important aspect of news coverage. One reads the *Kerner Commission Report* in this respect with mounting frustration. To overdigest it perhaps does the *Report* injustice, but the overall impression is this:

First it suggests, quite correctly, that ghetto residents look upon the police and the press as allies who work together toward the same end, adding parenthetically that this may surprise both reporters and policemen. Later it notes that the two *do* work closely together and for obvious media reasons (protection). Then, at the point of recommendations, the *Report* concludes that "a recurrent problem in the coverage of last summer's disorders was friction and lack of cooperation between police officers and working reporters" and suggests a mutual orientation program to bring them together. Meanwhile, although "our studies suggest that reporters are already too closely tied to police and officials as news sources in a disorder," the Commission recommends an official information center to be located at police headquarters or city hall to serve both police and newsmen. The rhetoric used to reconcile all this on-again, off-again relationship sounds plausible enough. ("An information center should not be permitted to intensify this [police-press] dependence.") But what it all boils down to is that the Commission wants the police and press to work together, but not too closely; be antagonistic, presumably for ghetto benefit, but not too antagonistic; and centralize information, but not centralize it too much. This comes back to the traditional love-hate relationship that has existed forever.

There should be some understanding, therefore, if so little has been done in implementing these rather schizophrenic recommendations. Some of them have been tried. Chicago, I believe, was credited with cooling a potential riot by close informational control and what has for years been close cooperation between police and press. But those past relationships did not hold up, as everyone knows, when the circumstances of the disorder were altered and the protesters were angry young middle-class whites instead of ghetto blacks. Every newsman of my acquaintance who participated in coverage of the celebrated Democratic convention there last year considers that the "police riot," as it was so controversially characterized by the Walker study, was in considerable measure directed against the media, its men, and their most devastating tool—the camera.

The growing militance of policemen, and the dangerously widening rift between them and the media is everywhere known. In Boston, where the *Globe* has editorialized against police actions on occasion, an attempted boycott was mounted last summer. Building takeovers and mini-riots at Harvard and MIT have driven deeper wedges between those charged with maintaining order and those who report the maintenance breakdowns. The younger the reporter assigned—and how else does one plumb the feelings of youth?—the wider the rift and the deeper the emotions. That same divisiveness, along generational lines, is occurring in Chicago as elsewhere in the metropolitan centers of the nation. It is worse, I judge, on the coasts.

This particular problem might well be unresponsive to any suggestions at this juncture, but the Kerner Commission recommendations have been of little or no value and will not be, in my view, in so long as have-cake-and-eat-it-too solutions are pursued.

Part II

The Kerner Commission, following its exhaustive study of the urban riots of 1967, came to three conclusions with respect to the media's role:

First, . . . despite incidents of sensationalism, inaccuracies, and distortions, newspapers, radio and television, on the whole, made a real effort to give a balanced, factual account of the 1967 disorders.

Second, despite this effort, the portrayal of the violence that occurred last summer failed to reflect accurately its scale and character. The overall effect was, we believe, an exaggeration of both mood and event.

Third, and ultimately most important, we believe that the media have thus far failed to report adequately on the causes and consequences of civil disorders and the underlying problems of race relations.

Out of these three general conclusions, with which few in the media would quarrel, flowed the specific criticisms and recommendations the Commission made. How many of these specifics have the media accepted and how many of its recommendations are being implemented?

In the first instance, Conclusion No. 1 above is hardly a criticism; in fact, it is almost the highest compliment that can be paid a professional in the business of gathering and reporting news—that he “made a real effort to give a balanced, factual account. . . .” Nevertheless, the industry has moved through a wide range of activities and techniques designed to minimize if not eliminate admitted incidents of “sensationalism, inaccuracies and distortions” noted by the Commission. It is encouraging, to begin with, to recognize that many of these isolated incidents came to the attention of the Commission through the media, some as a result of self-policing and some from cases of one media reporting on another. This practice has continued. A *Washington Post* reporter, for example, eyewitnessed and fully reported the incredible be-

havior of a TV cameraman in coaching a black to toss a rock and otherwise stunt for his lenses.

Riot conditions, it should be understood, do not offer ideal conditions for establishing fact. The event itself is hardly without sensation; and reporting a riot, like reporting a war, resembles the fable of the blind men describing the elephant. "Inaccuracies," then, are often differing vantage points, and distortions are sometimes related to the varying pulse rates of fearful men under fire. Large team-reporting methods, experience, and wiser editors have eaten away the margin of error since the first riots caught all but a tiny band from the larger news-gathering establishments flat-footed. Throughout the country, even in small and medium-sized cities which have encountered racial strife, seminars and self-evaluating media groups have met with public officials and black leaders, militant to moderate, in an effort to review coverage errors and establish communications. My impression is that this has not happened as often as it should in cities which have somehow escaped disorder.

Some of these cooperative efforts, however, pre-dated the *Kerner Commission Report* by a couple of years. In Boston, the Community Media Committee dates from June, 1966, when Celtic superstar Bill Russell, predicting "Boston could blow up this summer," called for formation of the committee. Publishers and editors and managing editors of all the Boston newspapers and station managers and news directors of every one of its local TV and radio stations appeared at that meeting, and all have since participated in a permanent program. About 40 from the media and some 20 from the black community attended that first meeting. And while there have been breakdowns from time to time, the program continues in seminars and workshops, conferences, and plan visitations designed to familiarize ghetto dwellers with the inner workings of the media (from which springs much misunderstanding) and to educate the media in the inner workings of ghetto life (ditto).

Similar efforts in many other cities, such as South Bend, Indiana, got underway only after riots occurred, if somewhat before the *Kerner Commission Report* reached print. South Bend had major troubles, lost in the overpowering headlines of Detroit, but no less serious for it, and involving the same though scaled-down dynamics.

It is difficult, however, to evaluate the implementation of Kerner Commission recommendations on how to improve riot coverage so as to avoid the criticisms of its second conclusion, e.g., that media coverage inaccurately reflected the scale and character of the riots and thus produced an overall effect that was "an exaggeration of both mood and event." The scale, character, and mood of riots are subjective matters at best; that being so, there was little else the Commission could suggest but the formulation of

guidelines for covering such disorders. These guidelines presupposed a deeper, more sophisticated and understanding coverage of these events which would result in better evaluations of scope and scale and mood. Police-press relationships heretofore discussed also were established in this connection.

As for guidelines, most major news organizations had long since adopted general guides for staffers, as the Commission noted; and professional organizations which have since approached or discussed the subject of some sort of universal standard have quickly rejected such a notion, often with considerable hostility. Differing news organizations with widely differing problems have preferred, almost without exception, to work out their own specialized rules. Unquestionably, though, the riots of 1967 and the *Kerner Report* stimulated many smaller news organizations which had not given the matter much thought to hold staff meetings and discussions leading to riot-condition guidelines.

Presumably, based on complaints or the scarcity of such, the major and metropolitan news organizations learned well the lessons of 1967 even before they had time to study the *Kerner Report* deeply. The *Report* was issued in March, 1968; the ink was not dry when, in April, the Memphis murder of Martin Luther King touched off the greatest wave of urban riots in American history. Perhaps study commissions were too exhausted or too limited in resources to explore media coverage of eruptions in more than 100 cities. Washington and Chicago were hardest hit. But few criticisms, few charges of distortion or inaccuracy or sensationalism, few claims of exaggerated mood or scale or character followed the King riots. No one so much as suggested that the rioters were performing their antics for the ever-faithful TV cameras; nor that, somehow, were the latter to cap their lenses and leave, the former would steal along home.

Part III

Dr. King's assassination made the *Kerner Commission Report* a best-seller. Coming less than a month behind the *Report's* issuance, the death of the martyred disciple of nonviolence touched off, besides fresh riots, a great deal of white soul-searching. The media weltered in guilt along with the nation; perhaps it gave them time to read the third conclusion of the *Kerner Report*:

. . . Ultimately most important, we believe that the media have thus far failed to report adequately on the causes and consequences of civil disorders and the underlying problems of race relations.

How better to cover a riot became, for a season, a moot point; how to avoid one far more vital. The recommendations of the Kerner group in this respect were without question the best formulated ones, the most constructive ones, and certainly the "most important." And it is in following these recom-

mentations that the media have done the best job. The Commission had said of them:

They have not communicated to the majority of their audience — which is white — a sense of the degradation, misery, and hopelessness of living in the ghetto. They have not communicated to whites a feeling for the difficulties and frustrations of being a Negro in the United States. They have not shown understanding or appreciation of — and thus have not communicated — a sense of Negro culture, thought or history. . . .

Reports on ghetto living and poverty sprang up everywhere.

The Commission continued:

Far too often, the press acts and talks about Negroes as if Negroes do not read newspapers or watch television, give birth, marry, die, and go to PTA meetings. Some newspapers and stations are beginning to make efforts to fill this void, but they have still a long way to go.

An honest judgment would have to conclude, two years later, that “they have still a long way to go,” but tremendous progress has been made nonetheless. The summer of 1968 saw a spate of media treatments of black history, black culture, biography, art, fashions, etc., etc. The subjects appeared in special newspaper supplements, special TV productions, magazines galore, on radio, billboards, books. Black proliferated in the entertainment and commercial faces of tube and slickprint as well as in the news. And while the University of Illinois scoured the country for qualified blacks for a “Project 500,” practically every northern metropolitan publisher was scouring universities for black summer interns and black journalists who, a season before, had found the “pickin’s” as scarce as the publishers now found them.

There are, therefore, two separate faces to the Kerner recommendations with respect to blacks in the media — reports *on* blacks and reports *by* blacks. Recruiting sufficient manpower to do the latter offers more hope and is the area, it seems to me, where more progress is being made and even more emphasis needs to be placed. For the training of black journalists ultimately will assure adequate and reliable reports *on* black activities which have been, and continue to be, in short supply. And in this, one must refer primarily to the day-to-day reports having to do with Negroes who “give birth, marry, die and go to PTA meetings” rather than with either the flamboyant, catch-up reporting on all the lapses in history, art, personalities, and so on, of the past 200 years, or “the degradation, misery, and hopelessness of living in the ghetto.”

It is entirely possibly that there has been too much of the latter, indeed, despite the Commission’s feelings. Poverty and the reporting on same, after all, were not exactly new when the Kerner Commission was formed, and any search of the media will find considerable evidence of both before Michael Harrington’s *Other America* discovery. It is a myth that Harrington also discovered poverty.

Moreover, there are risks involved in the over-reporting of degrading matters. One of the more important of these risks is what social scientists Paul Lazarsfeld and Robert Merton have called "narcotizing dysfunction." That is the process, as I understand it, through which people mistakenly convince themselves they have actually *done* something about social ills simply because they've *read* so much about them. And resentments rise inside the privacy-invaded ghetto as well as across town where the low-income white struggles to make ends meet.

To say the least, there is reason to suspect that a young black journalist is more to be trusted on ghetto affairs than affluent white reporters with college degrees and more idealism than racial "savvy." That type of journalist is fast on the way, thanks in part to the *Kerner Report*.

The media may have rejected the Commission's suggestion of an Institute of Urban Communications, but the important thing is it did not reject the primary purposes. Presumably, it felt that there were sufficient professional agencies and organizations already (not to mention journalism schools) to train, recruit, and place black journalists; to conduct research; and to review media performance on riots and racial issues. And the rationale for its proposed urban affairs service, something of a news service specializing in urban reporting, appeared singularly anemic.

Indeed, many of the Institute's proposed functions were already being provided elsewhere or were quickly absorbed by long-existing agencies. In June, the New York Urban Coalition established a pilot national program to help members of minority groups find editorial jobs in the communications industries. The plan, called the Communications Skill Bank, is recruiting candidates across the country for editorial jobs on newspapers, magazines, radio and television stations, and in advertising, publishing, and public relations. The Bank serves as a clearing house for minority-group members looking for such positions, providing a centralized source of editorial talent among Negroes, Puerto Ricans, and other members of minority groups to the media.

Ford Foundation money went into the Washington Journalism Center, specifically earmarked for training blacks. Thus, of the 20 young Fellowship newsmen enrolled there this year, exactly 10 are black and so is the new Associate Director, Clarence Hunter. Other Ford funds went to Columbia University for a summer journalism training project through which more mature Negroes, once unable to pursue reporting careers, could be retrained to do so. Professor Howard Ziff, of the University of Illinois, was among the project supervisors last summer. Still more Ford money is behind the Urban Affairs reporting center at Northwestern's Medill School of Journalism.

The Newspaper Fund, in cooperation with local newspapers and journalism departments, sponsored four month-long journalism workshops for urban ghetto youths last summer at Washington, D.C., Detroit, Athens, Ohio, and Plainfield, New Jersey. In May, the American Newspaper Publishers Associa-

tion awarded \$15,075 in grants-in-aid to 29 college students under its Negro journalism scholarship fund. In November, Sigma Delta Chi, national journalistic society, urged continuation of this program and its extension to Mexican-Americans, Oriental-Americans, American Indians, and other minority groups. Simultaneously, it adopted a resolution calling for its own minority-group training program in addition to its sponsorship of the Washington Center.

This is only a fraction of the programs, should one count the scores of intern setups operated by individual newspapers, television stations, magazines, and publishing houses. (The one with which I have been associated at the *Boston Globe* for four years had no blacks in 1966, one in 1967, six in 1968, and eight in 1969; and I have noted, in professional journals, similar setups in other programs). The black news committee of the Associated Press Managing Editors Association is pitching a training program to the lower levels — a high school prep affair.

A number of blacks have finally cracked into the heretofore denied circle of news executives; and the American Society of Newspaper Editors, this year, had its first black member of the board of directors.

Perhaps even more hopeful is a discovery the Kerner Commission suggested: the American media are finding the black potential customer as his concentration in central cities grows. Thus, *Tuesday*, a black-owned and edited supplement for core city distribution with existing metropolitan newspapers grew to a circulation base of 2,000,000 this year. In Kansas City, an industrious group of young blacks set up Black Light, Inc., an all-black newspaper feature syndicate distributing ghetto-oriented comics and humor.

Recounted in such fashion, this sounds like very much; in the context of the entire media picture it is not spectacular, but it does indicate progress. There is considerable apprehension that the sudden drive sparked by Martin Luther King's death and the riots might splutter somewhat in the absence of crisis, but it may be unfair to make so early a judgment. My own personal impression is that, while the media serving national and large urban centers have moved ahead steadily in all aspects of the Kerner recommendations, medium-sized and small city operations have done rather less than little. Illinois has quite a large number of these "middle-sized daily" cities, and in my limited contacts with them, I have encountered no black reporters or editors. Chicago, of the large metropolitan centers, also seems to lag behind other comparable markets. But it must be acknowledged that, until last year, the University of Illinois was hardly in a position to supply one trained black journalist, had one of our own state customers come looking.

The university journalism program lags in this respect, too, because it does not enroll students before the junior year and the first 500 freshmen arrived last year. Wait till next year.

**STATE LEGISLATIVE REACTION TO THE KERNER COMMISSION REPORT:
THE CASE OF ILLINOIS**

THOMAS KITSOS and JOSEPH PISCOTTE

State involvement in the fate of urban America is as vital as the involvement of the National Government. . . . Should the States fail to meet this challenge (the urban crisis), should they fail to reassert their responsibility and maintain their pivotal position in the partnership triangle, they may fatally erode federalism's foundations.¹

Introduction

The general lack of responsiveness of state governments to the growing crisis in their cities has caused considerable concern among academicians, journalists, and some public officials. The situation is so acute that presently a big city mayor's first inclination is to seek help from Washington rather than from his state government.

The increasing number of direct federal-city relationships provides evidence that the national government is perceived, with some justification, as being more attuned than state governments to the needs of urban areas. On the other hand, broad research has not focused on the deterioration of state-city relationships or state "nonresponsiveness." Essentially, studies have been piecemeal in nature; each piece has added to an increasingly serious picture of the legal and structural apparatus of state governmental machinery as more of a liability than an asset in solving contemporary urban problems.

This paper is an attempt to add another "piece" to the picture. Its major focus is on a specification of the impact of the *Kerner Commission Report* on the Illinois General Assembly. In other words, it is an attempt to determine whether the legislature in Illinois responded to the findings of the *Report*.

It is particularly appropriate to examine what happened in Illinois. Illinois is not only a major industrial state with concomitant racial problems, but it is also the home state of the chairman of the National Advisory Commission on Civil Disorders. The governor of Illinois plays an extremely important role in the state's legislative process through his budget and veto powers and his role as chief executive. He also has a vital part to play in

¹ Advisory Commission on Intergovernmental Relations, *Urban America and the Federal System* (Washington, D.C.: U.S. Government Printing Office, 1969), p. 105.

regard to the initiation and support of legislation. The legislative output in Illinois can be analyzed as largely the result of a matrix of relationships involving the governor, the executive departments, and the legislature.

Illinois is the fourth largest state in the country in terms of population. It contains the nation's second largest city; although it is a manufacturing and industrial center, downstate Illinois has some of the richest farm land in the Midwest. According to the 1960 census, 10.3 per cent of the state's citizens are nonwhite. The two major pockets of nonwhite concentration are in Chicago and East St. Louis, although many other Illinois cities contain significant Negro communities. In fact, Illinois presents good evidence that racial conflict is not necessarily limited to major urban areas. The city of Cairo (population: 8,500) has experienced some of the most violent disturbances in this country in the last year. Illinois has had its share of racial trouble (recently and historically); in many respects the state is a microcosm of the social and economic conditions discussed in the *Kerner Commission Report*.

Before analyzing the state's response to the findings of the Kerner Commission, it is necessary to point out that the *Report* was *not* a report to the Illinois General Assembly. (Indeed one wonders to whom the report was directed.) This adds to the problem of interpretation. Essentially the dilemma is this: what references to state governments did the Commission make and, given this, what response could reasonably be expected from a state legislature? Intermixed with these questions is the definitional problem of what constitutes a legislative response to the *Report*. Finally, to what extent did the Illinois General Assembly react to the findings and recommendations of the *Report*? The following sections address themselves to these questions.

Part I

In our federal system, one might have expected that all levels of government would be prominently mentioned in the *Report* as necessary agents for broad social change. In point of fact, however, the Commission members (and staff) apparently did not feel that state governments were viable instruments for solving racial problems. (One is again reminded that the chairman of the Commission was a sitting governor of a highly urbanized state).

The text of the *Report* presents some interesting omissions. Included in Part III ("What Can Be Done"), there was a chapter entitled "The Community Response." But there was no chapter designated "The State Response" or "What State Governments Can Do." Chapter 17 of the *Report* is devoted to "Recommendations for National Action." Again, there was no comparable chapter directed to the states.

An Inventory of Commission References to State Governments

The Commission lamented the lack of program coordination at the national level and the presence of parochialism at the state level — both of which add up to a kind of “nonpolicy” for race problems.

Instrumentalities of federal and state governments often compound . . . (race) problems. National policy expressed through a very large number of grant programs and institutions rarely exhibits a coherent and consistent perspective when viewed at the local level. State efforts, traditionally focused on rural areas, often fail to tie in effectively with either local or federal programs in urban areas.²

In order to carry out some of its recommendations, the Commission noted that city governments will require state and federal support. More specifically, the Commission urged:

In the face of the bewildering proliferation of both community demands and local, state, and federal programs, mayors and city councils need to create new mechanisms to aid in decision-making, program-planning, and coordination. At this time, however, no assistance is available to develop these new and critically necessary institutional capabilities or to support the required research, consultants, staff, or other vital components of administrative or legislative competence.

The Commission recommends, therefore, that both the state and federal governments provide financial assistance to cities for these purposes as a regular part of all urban program funding.³

In perhaps its strongest statement, the Commission took cognizance of the important part state government must play in assisting the urban mayor in his thankless job.

. . . (State government) must equip city leadership with the jurisdictional tools to deal with its problems. It must provide a fuller measure of financial and other resources to urban areas. Most importantly, state leadership is in a unique position to focus the interests and growing resources, political as well as financial, of the suburbs on the physical, social, and cultural environment of the central cities. The crisis confronting city government today cannot be met without regional cooperation. This cooperation can take many forms — metropolitan government, regional planning, joint endeavors. It must be a principal goal, perhaps the overriding concern, of leadership at the state level to fashion a lasting and mutually productive relationship between city and suburban areas.⁴

In its call for national action (Chapter 17), the Commission made scattered references to the states in its recommendations on employment, education, and welfare.

Employment. In the section on employment, the Commission concerned itself with essentially administrative and coordinative activities of state governments. The *Report* recommended:

² *Report of the National Advisory Commission on Civil Disorders* (New York: Bantam Books, 1968), p. 283.

³ *Ibid.*, p. 293.

⁴ *Ibid.*, p. 299.

Existing programs aimed at recruiting, training, and job development should be consolidated according to the function they serve at the local, state, and federal levels, to avoid fragmentation and duplication.⁵

The Commission also urged the strengthening of federal, state, and local efforts to ensure equal opportunity in employment. The specifics of this recommendation dealt with such federal-level laws and agencies as the 1964 Civil Rights Act and the Equal Employment Opportunity Commission (the federal enforcement agency under Title VII of the 1964 Act). No explicit recommendations for state action were made.

Welfare. The section on welfare discusses the problems associated with the welfare system in general and the ramifications of the "Labyrinth" of federal, state, and local legislation in particular. Because this was a federal-level commission and because welfare is essentially a federal function (more than 90 per cent of national welfare payments are made through programs that are partly or largely federally funded), this section generally calls for Congressional action. Scattered throughout these pages, however, are some explicit indictments of existing state regulations (e.g., the "Man-in-the-House" rule, insensitive administration by some welfare workers, residency requirements, etc.). Also a recognition of the constraints on the states' fiscal capacities led the Commission to recommend far greater federal involvement. A fuller discussion of the welfare recommendations of the Commission and its applicability to Illinois is presented in Professor Taber's paper.

Education. The most direct statement calling for state action is contained in the Commission's section on education. This is not surprising, since education is still primarily a state and local function. The present system of funding in most states came in for the greatest criticism from the members of the Commission. In general, state aid formulas which were designed in another era now tend to "reinforce existing inequities." Specifically, the Commission recommended:

... that every state reexamine its present method of allocating funds to local school districts, not merely to provide equal funds for all political subdivisions on a per-pupil basis, but to assure more per-student aid to districts having a high proportion of disadvantaged students. Only if equalization formulas reflect the need to spend larger amounts per pupil in schools predominately populated by disadvantaged students will state aid be allocated on an equitable basis.⁶

The Kerner Commission also addressed itself to the role of the state in fostering integration in the educational system. The *Report* states:

... the states and, in particular, the state education agencies, have a key role to play in accomplishing school integration. The states are in a unique position to bring about urban-suburban cooperation and metropolitan planning. We urge that the efforts of state educational agencies in this area be given clear direction through

⁵ *Ibid.*, p. 415.

⁶ *Ibid.*, pp. 455-56.

adoption of state-wide, long-term integration plans and intensified through active promotion of such plans.⁷

Two other references to state governments complete the inventory. In Chapter 14, the Commission concerned itself with the problem of the availability of property insurance in the inner-city. It urged:

... the insurance industry to take the lead in establishing voluntary plans in all states to assure all property owners fair access to property insurance. We look to the states to cooperate with the industry in establishing these plans; and to supplement the plans, to whatever extent may be necessary, by organizing insurance pools and taking other steps to facilitate the insuring of urban core properties.⁸

Finally, in its supplementary chapter on the "Control of Disorder" (Part IV), one section is devoted to "State Response to Civil Disorders." The Commission dismissed the disorder-control effectiveness of state police forces because they are undermanned and undertrained in riot-control tactics. Much greater emphasis was given to the National Guard. The Commission noted that, although the performance of the Guard in Newark and Detroit left something to be desired, it remains "the only organization with sufficient manpower and appropriate organization and equipment which can materially assist local police departments in riot control operations." The Commission recommended that the Guard be given increased riot-control training; that a review of the standards for Guard officers be implemented; and that the number of blacks in the Guard be substantially increased. (In the introduction to the paperback version of the *Report*, Tom Wicker notes that integration of the Illinois Guard made substantial progress during Governor Kerner's administration.)

Because of the dual nature of the Guard, jurisdictional lines of authority are sometimes blurred. Suffice it to say that the states, through their governors, have some control over the Guard (unless it is called into federal service). Implementation of the Commission's recommendations can be carried out, to a certain extent, by state government.

What Could Be Expected from the States?

Given the fact that the *Kerner Commission Report* was not a report to the General Assembly and that it made very few direct appeals to states for affirmative action, what could one reasonably expect from a state government in response to the release of the *Report*?

The answer to this question probably reflects one's normative judgment. Yet, the general thrust of the Commission's *Report* seems to transcend all levels of our federal system. In other words, despite some technical jurisdictional constraints, the content of the *Report* was of such dimension that all levels of government could be expected to respond. This, then, is the major

⁷ *Ibid.*, p. 456.

⁸ *Ibid.*, p. 361.

underlying assumption of this paper; but it is an assumption based on some rather sound arguments.

First, as the *Report* ably documents, certain groups in contemporary society are questioning the very legitimacy of government. A lack of responsiveness to social and economic problems pervades federal, state, and local government. One is hard put to argue that responsibility for attacking racial discrimination (and its ramifications) in this country is solely within the domain of the federal government.

Similarly, the language of the Commission's *Report* does not absolve the states from responsibility for what happened in 1967 nor does it preclude them from taking action on its recommendations. To be sure, some of the Commission's recommendations were so vast in scope that primary responsibility must fall on the government with the broadest fiscal base and legal authority. Funding for the welfare system would apply in this regard. Yet, even here, the states could do a great deal to clear up jurisdictional inequities and administrative insensitivities.

The precise role of state government in the construction of low-income housing was never mentioned in the *Report*. But, as Professor Murray points out in his paper, there is a vacuum of action available to the states to help fund construction in their own area. Unfortunately, despite some minimal activity in this regard, the results of state action have been less than impressive.

These are but two of many possible examples in the Commission's *Report* in which state governments could play a more active and responsive role in the solution of racial problems. Indeed, in the true spirit of "creative federalism," such action is not only proper but imperative.

Finally, the Commission devoted a considerable number of pages to developing a matrix of strategies and programs for local units of government. But the important legal relationship between states and their local governments was virtually ignored. Local governments are creatures of state governments; they owe their existence to state legislatures or to state constitutions. Autonomy to act on the local level varies from state to state; so-called "home-rule" states tend to give their local governments somewhat greater jurisdictional freedom and, in a few states, local units have some taxing powers. However, most states (including Illinois) operate under "Dillon's Rule" — the legal principle which holds that a local government can exercise only those powers expressly granted or necessarily implied in its charter. Any reasonable doubt about whether a local power exists is construed for the state and against the local unit. For a city to take action, therefore, there must be an existing state statute specifically authorizing such action or the city-fathers must go to the state legislature and ask for passage of an appropriate bill.

In addition to jurisdictional restrictions, most local governments face

severe fiscal limitations. Property tax, the main source of revenue for local governments, is characterized by inconsistent (and, on occasion, blatantly unfair and regressive) assessment and collection procedures. The revenue base for many local governments is simply not broad enough to provide sufficient funding for "social change" programs. There is increased recognition on the part of many students of state and local government that the states must be prepared to assume greater functional and fiscal responsibilities in their urban areas.

The Commission's recommendations for local community programs and reform must be considered against this background of legal and fiscal limitations. The evidence seems to be clear: state governments must become deeply involved in solving the problems created by "white racism."

Part III

Working under the assumption that the Illinois legislature should have responded (in some fashion) to the *Kerner Commission Report*, some inputs and outputs of the legislative process were analyzed to see if, in fact, such response was forthcoming. Essentially, inputs are in the form of gubernatorial addresses and special messages, and activities of certain nonlegislative groups who may have been responding to the Commission's *Report*. Outputs are the bills introduced and killed or passed in the legislative sessions following the release of the Commission's *Report*. As was noted previously, it is difficult to determine precisely what constitutes a response to the *Report*. For purposes of this analysis, any message from the governor, organizational activity, or legislative proposal which bears a close relationship to the racial conflict described or recommendations for action urged by the Commission are considered a response of some nature.

The analysis is focused primarily on those activities occurring after the release of the *Report* (March 2, 1968). The timetable listed below begins more than two years earlier than that because the possible relationship between the Kerner Commission and the Illinois legislature cannot be considered an isolated one. Events help shape the lives and behavior of men; but events have relationships. The following list is not exclusive — only those occurrences which seem to place the *Kerner Commission Report* and the operation of Illinois government in historical perspective are noted.

A Timetable of Events

January 7, 1966 — Dr. Martin Luther King launched SCLC's "first sustained Northern movement" in Chicago. Demanded an end to discrimination in jobs, housing, and schools.

June/July, 1966 — Civil disturbances in Puerto Rican and Negro communities

- in Chicago. Two people killed and hundreds arrested. Governor Kerner sent in National Guard to quell the violence.
- August, 1966 — Fourteen persons injured and eighty arrested in wake of racial trouble in Waukegan, Illinois.
- September, 1966 — Civil rights march into Cicero, Illinois, with resulting injuries and arrests. Governor Kerner sent in 2,000 National Guard troops.
- January 4, 1967 — Governor Kerner addressed the opening of the 75th General Assembly (this legislature had just been reapportioned on a “one-man, one-vote” basis).
- May/July/August/September/November, 1967 — Scattered racial incidents with varying degrees of violence in Chicago, Aurora, Maywood, Cairo, Waukegan, Evanston, Peoria, Rockford, Elgin, and Madison, Illinois.
- June 30, 1967 — Adjournment of the 75th General Assembly to a day certain, beginning a practice of holding off-year sessions.
- July 28, 1967 — President Johnson established National Advisory Commission on Civil Disorders. Governor Kerner of Illinois was appointed chairman.
- March 2, 1968 — *Kerner Commission Report* released.
- March 4, 1968 — The 75th General Assembly reconvened for a one-day session.
- April 4, 1968 — Dr. Martin Luther King assassinated in Memphis.
- April 5-8, 1968 — Rioting in Chicago as aftermath of Dr. King’s assassination.
- May 21, 1968 — Governor Kerner stepped down to become judge of U.S. Court of Appeals for the 7th Circuit. Lt. Governor Samuel Shapiro became Governor of Illinois.
- July 15-July 25, 1968 — The 75th General Assembly reconvened for short session.
- July 15, 1968 — Governor Shapiro addressed joint session of 75th General Assembly.
- January 8, 1969 — Opening session of 76th General Assembly. Gov. Shapiro’s message to joint session on completion of his term.
- January 13, 1969 — Gov. Ogilvie’s inauguration and address to 76th General Assembly.
- March/April/May, 1969 — Continued racial violence in Cairo, Illinois.
- May 14-15, 1969 — Rev. Jesse Jackson, head of Operation Breadbasket, led delegation to Springfield to protest proposed welfare cuts.
- June 19, 1969 — Gov. Ogilvie sent seventy state troopers to Cairo, Illinois, after four nights of sniping and arson.
- June 30, 1969 — The 76th General Assembly adjourned to a day certain.

July 16-22, 1969 — Series of sit-ins in front of Governor Ogilvie's office staged by the United Front of Cairo to demand that the Governor declare Cairo a disaster area and grant massive state aid. Approximately seventy persons eventually arrested.

October 14-23, 1969 — Short session of the 76th General Assembly.

After the Report: Governors and Legislatures

The timetable points out the following pertinent facts: (1) Illinois has had three governors since the release of the *Kerner Commission Report*; (2) the 75th Illinois General Assembly held two short "off-year" sessions after the release of the *Report* and the 76th General Assembly held a normal January to June session plus a short October meeting; (3) the recent history of the state (before and after the *Report*) has been dotted with varying kinds of racial trouble.

The 75th General Assembly. Despite his close identification with the findings of the National Advisory Commission, Governor Kerner's administration was something less than a model of state implementation of Commission recommendations. While the 75th General Assembly was in session, Governor Kerner submitted special messages on law enforcement, higher education, and employment discrimination. In his budget message, he made reference to education and social services. Yet, Governor Kerner's special messages, viewed separately or collectively, did not present a broad program for solving inner-city racial problems. His proposals for change were essentially piecemeal in scope and administrative in content. He called for the expansion of some programs (e.g., local police training) and the reorganization of some agencies (e.g., making the Youth Commission a code department).

On the positive side, it should be noted that Governor Kerner urged an increase in minimum wages, a strengthening of the state Fair Employment Practices Commission, the establishment of an executive-level Office of Intergovernmental Cooperation, and the raising of the state education equalization level from \$330 to \$400 per pupil (although he made no mention of removing the inequities in the state aid formula). In calling for a statewide "open housing" law, Governor Kerner presented perhaps his strongest statement on human rights. The occasion was the opening of the 75th General Assembly (January 4, 1970).

The moral, social and economic sore of discrimination continues to fester in the body and soul of our nation. It breeds poverty and crime, spawns hatred and violence, saps our strength. Racial strife in our State last year necessitated the calling of our National Guard. I am hopeful that it is never so used again, but if need be it will, as promptly and forcefully as before, to protect the rights and property of all people. Greater responsibility is required of all. We have our responsibility in government. It is true that this great social problem cannot be solved by law alone, but it is also true that it cannot be solved without the law. This points out the necessity of enactment of a freedom-of-residence law.

The reason for all such action is contained in the words of a great governor, John P. Altgeld, addressing himself to another time of social unrest when labor strife embroiled the entire state and there was discrimination of another kind. When, as now, irresponsibility was not confined to one side of the question and when the cry of the anarchist by some covered every man who simply protested injustice and indignity.

Altgeld said: "Only those nations grow great which correct abuses, make reforms, and listen to the voice of the struggling masses." Times have not changed in this regard.

Despite the eloquence of this statement, a state open housing bill never made its way through the legislature. Nor was there any evidence of a broad gubernatorial program designed to "make reforms and listen to the voice of the struggling masses." Although Governor Kerner supported an integrated National Guard, open housing, nondiscrimination in employment, etc., his "pre-*Report*" posture as governor of Illinois gave little indication that the Commission's work, under his chairmanship, would present the broad and penetrating report which it did.

Kerner's "post-*Report*" tenure was short lived. Exactly fourteen months after his human rights statement to the 75th General Assembly and two days after the release of the Commission's *Report*, the General Assembly held a one-day session in Springfield. It is probably unreasonable to expect legislative response within forty-eight hours after the Commission's *Report* was released. Yet a few interesting bills were introduced at the March 4 session and were acted upon when the legislature reconvened in July. One bill, which was in opposition to one of the Commission's findings, would have prevented the assignment or busing of students for purposes of racial integration. Conversely, a bill to create an Employment Development Act was introduced. Under the terms of this proposed legislation, business corporations would be authorized to set up wholly owned subsidiaries in Model City or depressed areas. These subsidiaries would be exempt from corporation taxes. This corresponds with the Kerner Commission's recommendations for greater involvement by private industry⁹ and the use of tax incentives.¹⁰ Other bills would have increased municipalities' share of the sales tax, increased the maximum permissible tax rate for the Chicago Board of Education, and enacted a state freedom-of-residence law. None of these bills passed.

One month later, Dr. Martin Luther King was assassinated. Despite Governor Kerner's hope that the National Guard would not have to be used again, he sent troops into Chicago during a four-day siege following Dr. King's death. Eleven people were killed, some 500 were injured, and almost 3,000 were arrested during the disturbances.

⁹ *Ibid.*, p. 399 and p. 406.

¹⁰ *Ibid.*, Appendix H.

About six weeks later, Governor Kerner resigned to become a judge in the U.S. Court of Appeals. His Lieutenant Governor, Samuel Shapiro, took over the state's top executive position.

Governor Shapiro immediately faced a severe fiscal crisis — one which required borrowing from the state's motor fuel tax fund. When he addressed a joint session of the 75th General Assembly, meeting on July 15, he spoke about the crisis and asked for legislative permission to borrow \$60 million from the motor fuel fund. The Governor also addressed himself to the "law and order" issue. He called for a strengthening of the state's gun control law (passed in 1967), an increase in the number of state police, and the passage of a "stop-and-frisk" law.

Twice Governor Shapiro made direct reference to the *Kerner Commission Report*. In urging a "stop-and-frisk" bill, he took cognizance of the warnings of the Commission concerning the danger of such a law. He noted that Governor Kerner had vetoed such legislation on two previous occasions because of its questionable constitutionality. But, Governor Shapiro added, recent U.S. Supreme Court decisions had established reasonable guidelines within which his proposed legislation would fall.

His second reference to the Commission's *Report* was in regard to inner-city property insurance. He noted that a report of the Commission's subcommittee on insurance concluded that the ready availability of insurance was a necessary ingredient in revitalizing cities. He called on the General Assembly to implement the subcommittee's recommendations.

In the July session of the legislature, Governor Shapiro was successful in getting some of his recommendations passed. The General Assembly passed and sent to the Governor legislation on urban property insurance, stop-and-frisk powers of police, and borrowing from the motor fuel fund. The legislature failed to pass a strengthening amendment to the gun control law, an increase in the state police force, and a bill which would have created a law enforcement planning and assistance board. In other action, a bill which requires the reporting of cases of malnutrition to the Department of Public Health was passed and signed by the Governor. Two pieces of legislation, which were "anti-*Report*" in substance, were killed in committee. One bill would have made welfare recipients ineligible for assistance for one year after being convicted of the crimes of armed violence, rioting, or looting. The other bill would have prevented the hiring (in government) of anyone convicted of looting and would have provided for the immediate discharge of anyone so convicted.

The 76th General Assembly. At the November, 1968, general election, Republican Richard B. Ogilvie defeated Shapiro in the race for governor. In his inaugural address to the new 76th General Assembly, Governor Ogilvie did not make specific reference to the Kerner Commission. Yet the tone of

his speech indicated an awareness of some of the problems included in the *Report*.

. . . Voices are raised in dissent and protest, and there is a crisis of alienation among us.

. . . The black man, the youth and the philosopher who protest are demanding change, and they confront our conscience the way slavery, the sweatshops and other hypocrisy of earlier times stirred Americans.

. . . We can't stand prosperity — when too many are still poor. We cannot fully accept the explosion of knowledge — when it pushes some ever higher and others into deepening ignorance. We are uncomfortable at the gap between what we believe and what we have achieved.

. . . We shall hold no objective more important than to mobilize the full force of this state government against poverty and ignorance. For these are the twin scourges of our society. They are the roots of crime and of the decay of our cities.

Less than a month after his inaugural address, Governor Ogilvie went before the legislature again to discuss the increasingly serious fiscal crisis in the state. In his February 5, 1969, address, the Governor told the legislators that the state was living on borrowed money through a series of stop-gap measures. He called for a review of department personnel, a delay in new capital construction, and a general cost-reduction program in state government. He noted that his administration would begin budgeting on an annual basis, and he asked for legislative support for a bill which would establish a Bureau of the Budget.

On March 26, 1969, the Governor delivered a special message on local government in which he called for nine nonfiscal structural reforms. Basically these reforms would have provided a small degree of legislative home rule for municipalities. They ranged from an expansion of local licensing powers to authorization for intergovernmental cooperation. One suggestion would have imposed a modern civil service system on the city of Chicago. Of the governor's recommendations, two were passed by the legislature. One established a state Department of Local Government Affairs and the other accelerated the transfer of road-building funds to local treasuries. The Local Government Affairs Department represents an attempt to consolidate some other code departments' dealings with local government. The new department came into existence on January 2, 1970; consequently, it is too early to determine whether it will provide better state services to local units of government.

Governor Ogilvie's April 1, 1969, budget message to the legislature outlined increases in three major functional areas. In education, the Governor proposed raising the state per-pupil grant from \$400 to \$500 and adjusting the aid formula from Average Daily Attendance (ADA) to Average Daily Membership (ADM). The new formula, if approved by the legislature, would be based on enrollment, and this would significantly aid inner-city

school districts where absenteeism is higher than it is in suburban or rural districts. The Governor also noted that he would have further recommendations for state aid formula adjustments in 1970. In addition to these changes, Governor Ogilvie budgeted \$32 million for state aid to private schools. If approved by the General Assembly, this would be a "first" in Illinois history.

The second area budgeted for a major increase was highway transportation (an additional \$437 million). The third area of initiative was a proposed new program of revenue-sharing with local government. This was part of the income tax package proposed by the Governor in this budget message.

When the complete story of the state's first income tax is told, it will unquestionably rank with the most intriguing political sagas in the history of Illinois. It will be a story filled with vignettes of persuasion, cajoling, intimidation, and compromise in the best tradition of politics. Suffice it to say here that the Governor, in his April 1, 1969, budget message, proposed the imposition of a 4 per cent flat rate tax on both individuals and corporations, allowing a \$1,000 per person exemption with one-eighth of the revenue going back to local governments. When the smoke had cleared, the final income tax bill passed by the legislature (and signed by the Governor) provided for a 4 per cent tax on corporations and a 2½ per cent tax on individuals (with \$1,000 exemption), with one-twelfth of the revenue going back to local governments on a per capita basis. There was also an increase in the proportion of the sales tax which would stay with the local community (from ¾ of 1 per cent to a full 1 per cent).

In many respects, the story of the 76th General Assembly is the story of the passage of the income tax. As one knowledgeable political reporter said near the end of the session:

The income tax completely dominates everything else. The whole show is like a slow ballet waiting to build to its inevitable climax: the tax issue.¹¹

Yet there were almost 2,000 bills enacted into law during the 76th General Assembly, only a few of which related to the revenue package.¹² As in any session of the General Assembly, many of the bills were technical and housekeeping in nature, although some have relevance for the findings of the *Kerner Commission Report*. These were divided into functional categories for purposes of analysis.

Education. Some of the Governor's recommendations concerning education

¹¹ *Chicago Sun Times*, June 16, 1969.

¹² Technically, the 76th General Assembly has *not* adjourned "sine die." There is a planned session around April 1, 1970, with the possibility of further sessions in the fall. At the time of this writing, however, the legislature had completed its normal January to June meeting with a short October session added. It was these sessions which were analyzed in this paper. One is reminded that the 76th General Assembly represents the first full legislative session to be held after the release of the *Kerner Commission Report*.

have been noted earlier. The legislature went beyond the Governor's proposed increase of state per-pupil aid; the General Assembly passed a bill which increased the aid from \$400 to \$520 per student. However, bills which would change the state-aid formula (from ADA to ADM) were killed in committee.

Among the education bills passed by the 76th General Assembly were two which raised the maximum interest rate payable on school bonds and raised the tax rate maximums for school building purposes. Other bills which passed authorized the Chicago Board of Education to employ volunteer personnel for nonteaching duties, lowered the eligibility age (from 21 to 19) for taking the GED test, and appropriated over \$6 million to help pay for school transportation costs. Perhaps the two most noteworthy bills which passed the legislature were HB 2601 and SB 1255. The latter piece of legislation set up an experimental junior college district in East St. Louis which is financed entirely by state funds. Bill HB 2601 appropriated \$5.4 million to expand a free school lunch program for needy children. Prior to this, the program had been entirely financed by the federal government.

Among the defeated bills were ones which would have authorized Chicago to levy an additional 1 per cent municipal retailers occupation tax to be used for school purposes, granted state aid to parents of children in private schools, and provided for state funding of local programs for educationally disadvantaged children. Two other bills, which were in direct opposition to Kerner Commission recommendations, were tabled in committee. One would have removed provisions prohibiting school boards from promoting segregation in the erection, purchase, or acquisition of school buildings. The other would have prohibited the assignment of pupils to a school outside their district without the written permission of their parents.

The Police and the Courts. The *Kerner Commission Report* contains many pages devoted to an analysis of how the behavior of police and the administration of justice can sometimes act as a catalyst for violence in the ghetto. The record of the 76th General Assembly in this regard is something less than enviable. Only two important bills were passed in this session. One bill provided that no one is to be barred from an appointment to any civil service position (other than policeman) for any record of misdemeanor convictions or arrests without conviction. The other bill reduced the penalty for the possession of marijuana.

Some "positive" bills (e.g., the repeal of the "stop-and-frisk" law, the creation of a Commission of Police Relations, the requirement of training for Cook County police appointees, and the creation of a statewide Defender General System) were stalled somewhere along the legislative path. A series of bills which would make the granting of parole and the raising of bail more difficult were killed in committee. A bill which would have made the 1967 gun control law applicable only to Cook County was vetoed by the Governor.

And, an eavesdropping law was passed and signed by the Governor. This law provides that one party to a conversation can consent to the use of an eavesdropping device and it permits the use of information obtained by such a device in a criminal proceeding.

Housing. Despite the introduction of a number of "open housing" bills in the 76th General Assembly, none was passed. A bill designed to eliminate racial discrimination in the *rental* of housing also failed. Bills which would strip Chicago aldermen of their veto power over public housing sites, prohibit state housing authorities from discriminating against unwed mothers regarding tenant selection, and permit the withholding of rent if the landlord did not repair premises in compliance with local building codes were all killed in committees.

Two bills which were passed deserve mention. One provides for the liability of landlords who exceed the number of apartments permitted by local ordinances. The other is designed to curb "panic peddling" in racially changing neighborhoods. The actual workability of the latter bill is not yet clear. It provides that owners of property who do not wish to be solicited for the sale of such property can file an affidavit with the state Human Relations Commission. Official complaints can be filed with the Attorney General.

Health and Welfare. There were a large number of bills introduced in the 1969 General Assembly which could be called "health and welfare" proposals. Some could be labeled "positive," (i.e., in line with the general thrust of the *Kerner Commission Report*) while others were clearly "negative" (i.e., in opposition to the Commission's recommendations concerning the welfare system).

Among the "positive" pieces of legislation which passed was a bill which permits the Department of Public Aid to disregard the loan value of any insurance policy held by an applicant; legislation empowering the Department of Children and Family Services to make grant-in-aid payments to local governmental units and other nonprofit bodies which provide day care services; a bill which extends eligibility for education and training programs to persons who qualify for medical assistance; and a bill which extends eligibility for the ADC program to children placed in foster care by order of the Juvenile Court. In the area of medical services, legislation was passed to provide hearing tests for all school or day care children (effective September 1, 1970).

"Positive" bills which did not pass the 76th General Assembly included legislation which would have created a legislative commission to study the feasibility of supplying birth control services to women on public assistance, would have added four recipients to the Board of Public Aid Commissioners, would have increased AFDC and General Assistance grants to specified federal standards, and would have authorized the Department of Public

Aid to assist in a recipient's defense in an eviction action resulting from rent-withholding by the department.

A number of "negative" bills were introduced, but not passed. One proposed bill would have limited aid payments to a recipient who had lived in Illinois less than one year. Another would have required general assistance recipients to accept suitable work. A third bill would have denied aid to applicants who were found to have entered Illinois for the purpose of receiving aid. The most noteworthy legislation in this category was a bill introduced by Speaker of the House (now U. S. Senator) Ralph Smith which would have cut welfare payments by 30 per cent. This brought Rev. Jesse Jackson and some 2,000 welfare recipients to Springfield to protest. Jackson made unscheduled speeches before the Illinois House and Senate and packed the galleries in the House chambers. The Governor then opposed the measure and Smith's bill was tabled.

Civil Rights. As was previously noted, there were a number of bills introduced in the 76th General Assembly dealing with some kind of "open housing" law. None was successful. A bill which would have made the birthday of Dr. Martin Luther King a legal holiday was vetoed by the Governor, but legislation which designated Dr. King's birthday as a school commemorative day was passed and signed by the Governor.

The "civil rights" bills which passed the General Assembly provided for an authorization to municipalities to promulgate regulations or establish various programs to bring about improved racial and ethnic group relations and a prohibition against any rules or regulations which result in discrimination in medical insurance policies governing the reimbursement for physicians' services.

Among the bills which failed to pass was one which would have broadened the types of employment discrimination prohibited in contracts for public buildings; another would have created a type of omnibus Fair Practices Commission to investigate all kinds of discrimination; a third was designed to protect the civil rights of all persons to inherit, purchase, lease, sell, hold, and convey real and personal property; and a fourth would have created a new Commission on Human Rights. There was also a series of bills (sponsored by the four black senators) which would have provided some protection to consumers in installment buying transactions. All of these bills were tabled in committee. There was also an interesting case of legislative inertia in the House. On April 28, 1969, the House adopted Bill HR-123 which set up a seven-member committee to determine the extent of hunger and malnutrition in the state and to report by June 2, 1969. The committee failed to conduct hearings — and failed to report.

Employment. The 76th General Assembly dealt with a number of bills which fit under the rubric "employment." A vast proportion of these con-

cerned such issues as collective bargaining for public employees, discrimination based on sex, and proper standards for employment of women. Legislation dealing with the hard-core unemployed and changing the opportunity structure in the state was almost nonexistent. One bill which did pass appropriated \$15,000 to the Fair Employment Practices Commission (FEPC) to enforce laws prohibiting discrimination by anyone holding a state contract or by any labor organization having a collective bargaining agreement with anyone holding a state contract.

Bills which would have established a minimum wage of \$1.60 per hour, required political subdivisions to employ former public aid recipients in 20 per cent of their non-civil service positions, permitted departments of public aid to provide lists of recipients to private employers engaged in training programs, and provided for a program of new careers in state service for persons who might otherwise be public aid recipients were all tabled in committees. Some of the black representatives in the House sponsored a series of bills which would have prevented a felony conviction from being an automatic bar to certification for certain professions licensed by the state. These bills passed the House but were stalled in the Senate. A similar fate awaited a possibly significant bill which would have given the state FEPC initiatory powers to investigate unfair labor practices.

Government Restructuring. The General Assembly made some organizational changes at the state, county, and local levels. At the state level, establishment of the Bureau of the Budget and establishment of the Department of Local Government have been noted. The legislature also created the Department of Law Enforcement and the Department of Corrections. Both departments have absorbed some of the functions of the Department of Public Safety. The Department of Law Enforcement is most noteworthy for one of its divisions—the Illinois Bureau of Investigation (IBI), patterned after the national FBI. The Department of Corrections is significant in that the bill which created it also provided for a full-time Parole and Pardon Board under its direction. The hope is that more equitable administration will result from a full-time board. A bill which would have created the office of Ombudsman to be filled by the Lieutenant Governor was tabled in committee. This bill would have given the office some investigatory powers.

At the county level, a series of bills was passed which will eventually restructure county boards (under township organization) to conform with recent “one-man, one-vote” decisions of the courts. One of the underlying assumptions in the “one-man, one-vote” decisions is that governing bodies chosen on that basis will be more responsive to the needs of urban areas. A bill which would have created a strong county executive form of government failed in the Senate. As was previously noted, efforts to authorize the creation of regional councils of government also failed.

At the municipality level, one rather interesting alternative was added to the list of options available to city-manager forms of government. Prior to this legislative session, the statutes allowed the election of councilmen either from districts or on an at-large basis. Now, depending on the size of the community, the voters can elect some councilmen at large and some from districts. The *Kerner Commission Report* notes (at page 296) that at-large election systems tend to effectively disenfranchise minority groups. The expectation is that, in those cities which choose to adopt this combination system, minority groups will more easily elect some of their own people to the city council.

The exact relationship between these kinds of governmental reorganization schemes and improvement in the quality of life in the inner-city is far from clear. The departmental changes at the state level may very well have the effect of more efficient administration in certain functional areas. But, as the *Kerner Commission Report* points out (at p. 287, noting the rise of "efficient" managerial government and the corresponding demise of "machine" politics), governmental efficiency does not necessarily mean governmental responsiveness — particularly responsiveness to the powerless groups in society.

The changes noted at the county and city levels may have ramifications which are equally unclear. The expectations are that these changes will result in greater minority group representation on county boards and city councils. However, historical examples of the ingenuity of those in power to turn apparent reform into mechanisms for maintenance of the status quo admonish one to adopt a "wait and see" attitude regarding the real effects of these changes.

Conclusion

The major underlying assumption in this paper is that a state legislature, specifically the Illinois General Assembly, could legitimately be expected to respond, in some fashion, to the findings of the *Kerner Commission Report*. A review of the bills passed since the release of the *Report* forces one to conclude that legislative response was practically nonexistent. The most significant output from the General Assembly would include the state's revenue-sharing plan with local governments, urban property insurance legislation, an experimental junior college in East St. Louis with full state funding, and an expanded school lunch program. Other important legislation (with uncertain ramifications) would include the reporting of cases of malnutrition in children, efforts to curb "panic peddling" in racially changing neighborhoods, attempts to loosen the welfare system, and structural changes which may result in increased minority representation on some governing bodies. The only legislation which was clearly in direct response

to the *Kerner Commission Report* was the bill on urban property insurance which followed some of the recommendations of the Commission's subcommittee on insurance.

Why was there such meager response? This question immediately comes to mind after one compares the seriousness of the Kerner Commission findings with the output of the Illinois legislature. A complete analysis of legislative inertia would require another paper in addition to this one, but a few general remarks are in order.

The legislative process in Illinois is a curious mixture of political culture, tradition, and partisanship with external pressures and internal structure.

The Illinois General Assembly does not act — it reacts. Historically, most far-reaching proposals have had their origin outside the legislature. Governors, executive agencies, and lobbying groups have been the main sources of ideas.¹³ But, since the release of the *Kerner Commission Report*, not one outside agency or group has come before the legislature with a broad program based on the Commission's findings. The one possible exception to this is the Welfare Council of Metropolitan Chicago (WCMC) which keeps a close watch over health and welfare legislation in Springfield. In fact, late in 1968 the Council issued a flyer entitled, "Where We Stand on Issues Raised by the *Kerner Report*." This was sent to legislators, but it had little or no effect. It was written in general language and was directed to all levels of government. No pressure group developed a program of specific pieces of legislation to which the state legislature could react.

Nor did such a program come from the executive branch. Some piecemeal legislation, recommended by the various governors, did pass the legislature but, again, none presented a broad program based on Commission findings. In defense of the three governors, it should be noted that none of them had the luxury of a long tenure in which to develop far-reaching programs. Kerner became a judge shortly after the *Commission's Report* was issued, Shapiro faced an election campaign soon after taking office, and Ogilvie was forced to break in a new administration while facing a severe fiscal crisis culminating in the state's first income tax. Yet despite these explanations, the fact remains that the General Assembly had no gubernatorial program to which they could react. In their addresses and special messages, all three governors indicated a concern with the inner-city, with poverty, and with racial conflict. But, in general, these concerns remained at the level of rhetoric and were not really translated into policy output.

Another important explanatory variable which should be used when analyzing Illinois legislative politics is the traditional conflict between Chicago and downstate. In general, downstate Republican suspicion of Chicago and

¹³ Samuel K. Gove, *Reapportionment and The Cities* (Chicago: Center for Research in Urban Government, Loyola University, No. 12, June, 1968), p. 31.

Chicago Democratic suspicion of downstate is a consistent undercurrent in most legislative sessions. Illinois' unique system of cumulative voting guarantees that the parties will be closely divided in the House, although the Senate is normally heavily Republican. Cumulative voting is also an inhibiting factor in statewide intra-party cohesion since in many districts, minority party candidates find themselves running against party colleagues. This kind of politics can split local party organizations. All in all, then, intra-party conflict (based to a large extent on geography) and intra-party antagonisms (based to a large extent on a unique selection system) combine to create a legislative setting which is not conducive to broad social reform. Under these circumstances, it would be surprising to see one of the political parties develop a broad program which related to the *Kerner Commission Report*.

In many respects, the Illinois legislature is a microcosm of the larger society. It is generally white, middle class, and well satisfied with the status quo. It responds to pressure — but to certain kinds of pressure. Pressure must be exerted in a legitimate manner and come from a legitimate source. Strong, well-funded lobbying groups enjoy a considerable amount of influence in the legislature. Unfortunately, civil rights groups do not enjoy a similar amount of legitimacy. And the effect is cyclical — civil rights groups do not see the Illinois legislature as an agent for social change.

Given all these factors, what does one see when he examines the relationship between the *Kerner Commission Report* and the operation of the Illinois General Assembly? One sees a deliberative body which reacts; but one also sees an executive branch, a system of pressure groups, political parties, etc., which failed to present anything to which that deliberative body could react. The problem rests both in and out of the legislature. The legislature is guilty because it continues to operate under a system of reduced legislator visibility, consistent conflict, and inevitable compromise — a system in which organizational maintenance becomes the primary goal. It continues to sanction a pressure-group system in which the legitimacy of the group is based on how strong and how middle class it is and not on the content of its position. Outside institutions share equally in the problem because they understand the “rules of the legislative game” but are unwilling to make the necessary adjustments to propose a system of human dignity.¹⁴

Three interesting and unusual events which took place during the 76th General Assembly provide some reason for hope. The convergence of Jesse Jackson (from Chicago) and the United Front delegation (from Cairo) on the General Assembly indicate that this kind of pressure can be successful.

¹⁴ These considerations, plus the normal conservatism of the Illinois legislature, provide some explanation for the defeat of certain individual “positive” bills. However, the number of factors affecting the success or failure of any one bill may be legion.

Rev. Jackson (head of Operation Breadbasket) and his followers had some effect on the withdrawal of a bill to cut welfare payments by 30 per cent. A legislative commission was appointed to investigate the racial troubles in Cairo. One result was the repeal of an old Illinois law which gave legal status to vigilante groups. Further state involvement in the Cairo situation is expected.

The third phenomenon is perhaps the most promising. The 76th General Assembly was the scene of an emerging mobilization of black legislators. There were eighteen blacks in the General Assembly (fourteen in the House and four in the Senate).¹⁵ They began to vote together, to lobby together, to caucus together, and even to filibuster together. Although they maintained an interest in all civil rights legislation, they focused much of their energy on one issue — hiring more blacks in state government. They received support from the Governor, and a House committee was appointed to investigate the problem. This committee will report by the end of 1970.

Black legislators and black pressure groups may combine to create a powerful coalition. They have begun to develop their own brand of legitimacy and they are becoming increasingly aware of the “rules of the game.” Strong political mobilization may be the key to unlock a previously tight legislative structure in Illinois. After all, political power is what the legislature understands best.

¹⁵ This represents the largest *number* of blacks in any state legislature in the country. Proportionately, however, the Senate (6.9 per cent) and the House (7.9 per cent) fall below the proportion of state population classified as nonwhite (10.3 per cent).

CONGRESS AND THE COMMISSIONERS: A NEW SPECIES OF OVERSIGHT

MARVIN J. WEINBAUM

The civil disorders that surfaced in major urban ghettos during the 1960's are symptomatic of social ills endemic to American society. The problems of our cities touch nearly every American and will require a national effort to remedy. Agreed on this diagnosis, the National Advisory (Kerner) Commission on Civil Disorders devotes some 30,000 words in its March, 1968, *Report* to recommendations for national action. Though local leaders and community institutions are charged with prime responsibility for dealing with the conditions that spawn riots, the authors of the *Report* are mindful of a substantial federal role. The commitment of massive national resources is a key ingredient in the Commission's prescription to heal urban problems. Only the investment of federal revenue is deemed adequate to meet the high costs of coping with unrest in the cities. The national leadership is enjoined to help generate the will and compassion of the nation's unions, churches, foundations, and universities in the undertaking. Toward these ends, the *Kerner Report* outlines a federal role that is less marked by novel approaches than by more earnest pursuit of goals already set, and by improved administration of programs already in force.

The United States Congress is seldom addressed specifically in the Commission's recommendations. Even so, the Congress is implicated in virtually every proposal calling for national action. As guardian of the federal purse and spokesman for majority and minority interests, Congress is an indispensable partner in the business of shaping urban policies. In recognition of this fact, this essay examines the congressional response to the *Kerner Report* by tracing and accounting for the disposition in Congress of the *Report's* recommendations. The essay is divided into three sections. The first reviews the *Report's* explicit and implicit substantive demands on Capitol Hill legislators. We next survey legislative activities in the 19 months following March 1, 1968, for direct evidence of the Commission's contribution to the congressional product. A third section explores several explanations for the observed behavior of the Congress and speculates on the future of the *Kerner Report* as a blueprint for legislation in the 1970's. The essay concludes with a consideration of the probable fate of welfare proposals introduced by the Nixon Administration in August, 1969.

Chapter 17 of the *Kerner Commission Report* singles out employment, education, welfare, and housing for specific recommendations to national decision-makers. In the discussion below we concentrate on two of these problem areas, employment and welfare, and inventory those proposals that appear to be invitations to congressional action. Much of our presentation of the Commission's recommendations necessarily departs from the original text in order to draw out the implications for legislation. To illustrate the various forms a congressional response might take, we rely on our own notions of plausible actions as well as on suggestions contained in the *Report*.

1. Congress is called upon to assure that there is a sustained emphasis on national economic growth. The *Report* is especially anxious to see newly trained and underemployed persons absorbed into the workforce at a higher rate. The Commissioners assume that an expanding economy can be kept from overheating and that Congress and the Administration will continue to follow an essentially Keynesian economic strategy.

2. Congress is directed to encourage the creation of new jobs in both the public and private sectors of the economy. Over one million new jobs are requested in a three-year period for each sector. Congress is asked to increase sharply the amount reimbursed to employees who hire the otherwise unemployable and is requested to legislate tax credits for participating employers. The *Report* endorses such programs as the Neighborhood Youth Corps, the training of welfare recipients under AFDC, and retooling in the Manpower Development Training Act. Absent from the recommendations, however, is any suggestion that Congress consider WPA-style programs to create jobs for the hard core unemployed.

3. The *Report* stresses the need for greater mobility within the public job structure. To accomplish this, Congress is asked to strengthen the staff, increase the resources, and expand the authorization of the Equal Employment Opportunities Commission. The *Kerner Report* recommends that federal, state, and local government be brought more effectively under the anti-discrimination provisions of Title VII of the 1964 Civil Rights Act. Interestingly, Congress is not asked to consider modifications in civil service statutes as a means of providing more flexibility in some public employment categories.

4. The Commission suggests that the Congress improve small business and entrepreneurial opportunities in urban and rural poverty areas by facilitating public and private investments. Specifically, Congress is called upon to consider increasing tax credits to business and to liberalize the current definition of "investment." The *Report* implies that the Congress should review those practices of the Small Business Administration and the Commerce Department aimed at stimulating business in depressed areas.

5. The *Report* recommends that job training programs be complemented

by better employment information for the newly trained worker. The experimental mobility program under the Manpower Development and Training Act is cited to illustrate how the trained may be aided in finding jobs.

Current welfare policies are characterized by the Commission as contributing to the social disorganization and helping to precipitate civil disorders. The *Report* found two general deficiencies in the prevailing welfare system: it fails to include many needy people who, if assisted, can become productive and self-sufficient; and it fails to establish adequate levels of assistance. An overhaul of the system is called for at the federal, state, and local levels. The Commission notes that without federal legislation no changes are probable, since better than 90 per cent of welfare payments across the country are fully or partially supported by national funds.

1. The *Report* suggests that a minimum income standard be set for families covered by the Aid for Families of Dependent Children program. Congress is asked to consider that the "poverty level" be established at \$3,335 for a family of four, the standard employed by the Social Security Administration. The amount, it is argued, should reflect variations in the cost of living in different geographic areas. Additionally, federal legislators are advised to amend welfare legislation in order to increase the federal portion of AFDC monthly payments.

2. Congress is asked to give permanent status to a provision in the 1961 legislation making AFDC payments available to needy families with two unemployed parents. It is also recommended that this provision be mandatory in all states and that a broader definition of unemployment be uniformly adopted.

3. The Commission favors job training for welfare recipients, though it suggests that women with "small" children should not be compelled to work in order to retain support. A recommendation is made that a 1967 law allocating funds for day care centers be expanded by Congress. The *Report* does not, however, explore the probable costs of a full-scale program. Also, the Commission requests that welfare recipients be allowed to retain a greater portion of any earned income.

4. The federal government is asked to assume a larger portion of welfare costs. Municipal governments should be relieved from this obligation entirely. Elimination by Congress of a 1967 welfare freeze, scheduled to go into effect July, 1968, is vigorously urged in the *Report*. It is argued that the federal government should not, by restricting applicants, pass the financial burden to the states and localities.

5. Congress is asked to separate the administration of AFDC from the general assistance to aid the aged and physically handicapped. The Commission suggests that legislation be written to locate the latter assistance programs in the Social Security Administration.

6. Federal grants are requested for special neighborhood welfare centers

and diagnostic clinics. Congress is called upon to aid the decentralization of services and programs. Many now under the Office of Economic Opportunity and the Department of Housing and Urban Development should be combined to create multipurpose neighborhood centers. Additionally, funds should be set aside to underwrite family planning programs.

7. The Commission invites congressional consideration of a system of income supplements that would entitle everyone to a "minimal standard of decent living." The necessity of eligibility requirements would thus be eliminated. The Commission insists that there is no better means of breaking the circle of poverty and ending dependence on welfare. Aside from recognizing the considerable costs of a basic family allowance, the *Report* makes no effort to spell out the details of such a proposal. Legislators are asked, however, to look for direction to the Model Cities Program and studies of the Commission on Income Maintenance Programs.

In sum, the Commission outlines for Congress and the Executive branch a dual set of goals on welfare; some require only modest alterations in prevailing practices; others presuppose radical departures in policy. Overall, the Commissioners are anxious to have the federal government assume increased responsibilities for all welfare payments and to extend the coverage to larger numbers of people. Beyond new legislation, Congress is expected to prod federal administrators and policy-makers in the states.

Part II

The tenor of the congressional reaction to the preceding recommendations is best revealed by a survey of the day-to-day business of the Congress. Accordingly, in this section we catalogue and annotate Senate and House committee deliberations and floor actions on employment and welfare policy in the months following the *Report*. Our information comes mainly from the *Congressional Quarterly*, *Weekly Reports* for the period beginning March 1, 1968, and extending through the 31st of September, 1969. This review of events is by no means fully comprehensive. Very likely, *Congressional Quarterly* chose not to report every floor and committee action of possible inclusion here. Also, in perusing the *Weekly Reports*, we may have inadvertently passed over floor votes, hearings, or reports that belong in our review. Even so, this accounting of the fate of the Commission's proposals in sessions of the 90th and 91st Congresses should readily identify the focus and the depth of congressional interest in employment and welfare problems.

A. Employment: Floor Action

1. Federal assistance for state vocational rehabilitation programs for the disadvantaged. Final approval in both houses of a 1.4 billion appropriation for fiscal years 1969-71, first week of August, 1968.

2. Senate rejection of resolution asking the Nixon Administration to defer the closing of 59 Job Corps centers, May 13, 1969.

B. Employment: Committee Action

1. Hearings held on job opportunities for the poor. Consideration of two bills to authorize 2.8 billion for a two-year emergency program. Bills not supported by the Johnson Administration. Senate Labor and Public Welfare Committee, April 1, 3, and 5, 1968. Hearings suspended in the House.

2. Senate Labor and Public Welfare Committee reported a bill to strengthen the authority of the Equal Employment Opportunities Commission to act against discrimination by employees or unions, May 8, 1968.

3. House Education and Labor Committee reported a bill to extend the basic provision of the Manpower Development and Training Act of 1962, June 27, 1968. Similar action by the Senate L. and P.W. Committee, July 20, 1968. Neither bills were as comprehensive as those urged by the Kerner Commission. The Johnson Administration had requested simple extension of the 1962 Act.

4. Report of the Joint Economic Committee on urban manpower and employment, based directly on the recommendations of the *Kerner Report*. Hearings held May 28, 29, June 4, 5, and 6, 1968. The Joint Committee broadly agreed with the Kerner recommendations, but offered no specific legislation to implement such goals as job training, less job discrimination, and the revitalization of central cities.

Informal hearings conducted by several major city congressmen to hear charges of job discrimination in the Civil Service and by federal contractors, December 3-5, 1968.

6. Hearings held on economic development of depressed areas by House Public Works Committee, April 15-17, 1969.

7. Senate L. and P.W. Committee asked for a Senate resolution requesting the Nixon Administration to defer closing of Job Corps Centers, April 28, 1969.

8. Hearings held by Senate Finance Committee on increasing incentives for industry to locate in rural areas, May 21-23, 1969.

9. Hearings held on Small Business Administration loan policies in urban areas by the Senate Select Committee on Small Business, June 10-12, 1969.

10. Report issued by the House and Senate Public Works Committee to extend and expand the manpower development and other programs of the Appalachia Regional Commission, June 30, 1969.

11. Hearings held on migrant and seasonal farm labor problems by the Senate L. and P.W. Committee, June 9-10, July 15-17, 1969.

C. Welfare: Floor Action

1. Approval given for increased authorization for Food Stamp program through 1970. Senate, September 26, 1968. House, September 25, 1968. Senate doubled authorization for fiscal 1970, June 24, 1969.
2. Passage of appropriation of federal funds for work incentive program for persons under AFDC. The same bill appropriated funds for the Office of Economic Opportunity below the request of the Johnson Administration.
3. House passed a bill to establish a Presidential Commission to study hunger and malnutrition in the United States, July 15, 1968.
4. Authorization given for \$9 million for fiscal year 1969 and \$15 million in 1970 for grants to public and private health services to agricultural migratory workers. Action taken in both houses, October 1, 1968.
5. Amendments to Older Americans Act of 1965 passed. People over 60 permitted to offer supportive services in day care centers for children from poor families and to assist in hospitals or homes for dependent or neglected children. Action taken in both houses, October 3, 1968. Older Americans Act extended through fiscal 1972 in the Senate, August 13, 1969.
6. Welfare freeze repealed by both houses, June 30, 1969. Congress acted in response to pressures from state and local government which would have assumed greater welfare costs if the freeze on new recipients went into effect, as scheduled, on July 1.
7. Passage of extension of the deadline for states to establish comprehensive health care programs from 1975 to 1977, June 30, 1969. On the same day, Secretary of Health, Education, and Welfare, Robert Finch, announced a reduction in the federal contribution to Medicaid payment to doctors.

D. Welfare: Committee Action

1. Hearings conducted on food assistance programs for the needy by the House Education and Labor Committee, May 21, 1968.
2. Hearings held on several bills to extend and expand the Food Stamp program. House Agriculture Committee, June 11-13, 1968. Report to expand programs, July 2, 1968. Testimony given on amendments to the Food Stamp program, Senate Agriculture Committee, May 22-23, 26, 27, 1969. Senate Agriculture Committee rejected proposal for free stamps, July 1, 1969. House hearings held on food stamps, September 3, 1969.
3. A report issued calling for income support for the elderly and for families with unemployable heads. A negative income tax suggested by the Senate L. and P.W. Subcommittee on Employment, Manpower, and Poverty.
4. Hearings conducted on problems of hunger and malnutrition by a

Senate Select Committee headed by Senator George McGovern, January 8-10, 22, 23, February 18, May 7, July 9-11, 15, 17, 18, 22-24, 25, 28, 1969. Committee Report on August 7, 1969.

5. Hearings held before the House Committee on Education and Labor on proposals to authorize an extension of programs under OEO Act of 1964, March 24, April 16-19, 21, 1969. Committee consideration of Administration's decision to close Job Corps centers, April 14, 1969. Senate hearings by L. and P.W. Committee on OEO programs, April 18, 23-25, May 8, 1969. Continued House hearings, April 21-24, 29, 30, May 1, 5-9, 1969. Consideration given to malnutrition in House Committee, May 21, 23, 1969. Nixon Administration requested a two-year extension rather than the three- or five-year extensions proposed by House Committee members. House hearings, June 2, 4-6, 1969.

6. Hearings held on provisions of tax reform bill designed specifically to give a greater tax break to low-income families, by House Ways and Means Committee, April 1, 2, 3, 14, 1969. On April 12, President Nixon sent a tax message to Congress that proposed exempting from all federal income tax those families (of four) with incomes under \$3,500 a year.

7. Hearings conducted on medical costs and abuses by Senate Finance Committee, July 1, 2, 1969.

8. Hearings held on equal employment opportunities by Senate Labor and Public Welfare Subcommittee on Labor. Proposals made to strengthen the Equal Employment Opportunities Commission, August 11, 12, 1969.

Part III

The preceding inventory of legislative activity amply documents the continued concern of Congress with employment and welfare matters in the post-*Report* period. The record in fact indicates several committee studies and hearings addressed directly to the *Kerner Report* recommendations. The removal by Congress of a freeze on welfare enrollment, its action to enlarge the food stamp program, and its passage of legislation expanding the federal contribution to vocational rehabilitation programs are in step with the Commission proposals, though not necessarily inspired by the *Report*. In the areas of education and housing, the 90th Congress moved toward implementing the *Report's* recommendations by the approval of higher education and open housing bills. All this notwithstanding, the 19-month progress report of the Kerner Commission in Congress is a dismal one. Only a fraction of the Commission's proposals received consideration on Capitol Hill, and still fewer found their way into public policy. Such key Commission recommendations as an intensive effort to upgrade the literacy of ghetto residents, or the expansion

and reorientation of public housing, fell on totally deaf congressional ears. In sum, there is little evidence that the *Report* charted new directions for the nation's lawmakers.

This curious species of congressional oversight admits to no single set of explanations. The callous indifference to the *Report* by President Johnson unquestionably dimmed prospects for the recommendations in the 90th Congress. A fuller explanation for the *Report's* weak impact requires, however, some examination of the procedures, the dominant values, and the centers of power within Congress. It is also necessary to ask whether the release time of the *Report* in the political climate of 1968 and 1969 had not ruled out a more favorable congressional response. Finally, it may be possible to fault the *Report* as a strategic document. We suspect that, by its makeup and the task assigned the Commission, it was a poor bet to gain an early or sympathetic hearing in the Congress.

A significant feature of the *Kerner Report* is the scope of its recommendations. The remarkable insight and thoroughness of its inquiry into the crisis of the cities led to proposals on a broad legislative front. But these requests were addressed to an institution poorly equipped to deal with omnibus demands. More accustomed to stop-gap legislating, a departmentalization of effort, and incrementalism in policy, the Congress could promise no systematic treatment of the problems identified by the Commission. In this respect, the Congress has changed very little from the late Nineteenth Century when Woodrow Wilson gained scholarly prominence by calling attention to the near sovereignty of standing committees and the resulting absence of coordinated policy-making. By conservative estimate, at least ten committees of the 90th Congress could claim jurisdiction over legislation suggested by the *Kerner Report*. At best, the Commission could hope for a willingness to weigh its findings by pivotal members of the House and Senate.

Aside from an undistinguished report by the Joint Economic Committee, testimony on hunger and malnutrition before a Select Senate Committee, and several hearings conducted by the Senate Labor and Public Welfare Committee, the committees of both houses of Congress were largely oblivious to the Commission's *Report*. Committee chairmen were, on the whole, conspicuous in their coolness toward the *Report*, and the elected leaders of Congress were apparently no more inclined to take cues from the Kerner proposals. The 11-man Commission had included five incumbent members of Congress (and former Congressman John Lindsay); yet none occupied a position of wide legislative influence on Capitol Hill. None chaired either a committee or a subcommittee, and none held a congressional party leadership post. Representative William McCulloch, ranking Republican on the Judiciary Committee, was alone in a position to claim extended experience shaping major domestic legislation.

The seniority leadership of Congress had strong political motives for avoiding close identification with the Commission's ideas. Nearly all the chairmen in the House are elected from Southern or equally safe enclaves in major Northern cities. The Commission's best publicized conclusion, that white racism was at the root of the nation's urban racial tensions, was not tailored to win over legislators of either category. Metropolitan area Democrats from racially insulated white districts might be prepared to vote for Commission-inspired legislation, but many were clearly hesitant to endorse a *Report* that their constituents might interpret as justifying the violence of Newark and Detroit. Southern chairmen would be obliged to accept the indictment that several Southern states had failed to meet their full responsibility for educational opportunities and social services. More than one Kerner recommendation would have the effect of coercing state participation in federally supported programs.

More straightforward motives undercut support for the *Report* among many rank and file congressmen. The Kerner recommendations were easily viewed as class legislation. Namely, black America was designated as the prime, or at least the most visible, recipient of any federal generosity. The Commission's admonition that the crisis of the cities would intensify in the face of national inaction was viewed by some legislators as a form of blackmail against the middle-class white taxpayer. In contrast to earlier efforts on behalf of blacks, when the acceptance of directives by southern officials defined progress, civil rights in the late 1960's were more expensively purchased. The second generation of rights legislation in Congress was necessarily more economic and social than political, and the North would carry most of the burden. The anti-inflationary mood that reached the Congress by 1968 armed many lawmakers with welcomed justification for deferring new programs for the poor and underemployed. In these circumstances, Great Society legislation was also threatened.

In great measure the legislative prescriptions offered by the Commission belong to a category of policy temperamentally disturbing for the Congress. The nation's lawmakers prefer legislation whose benefits are largely calculable. Whereas subsidies to industry or for farm commodities can usually be evaluated against the intended results, programs for the underprivileged typically defy direct measurement. Experience with social welfare programs have apparently convinced legislators that, much like aid to developing nations, evidence of accomplishments is usually elusive. When, for example, is the poverty cycle broken and when is an acceptable level of adequate housing attained? Even some of the more obvious yardsticks, such as employment figures, often turn out to be misleading. As a result, the Congress finds it difficult to remain committed to heavy expenditures for urban programs over an extended period of time. Disappointments with several Great Society programs had already

eroded congressional support. To be sure, the *Kerner Report* recommendations could always be measured by their contribution to reducing the potential for civil disorders. But for the present, Congress was more likely to opt for a less expensive approach to stemming riots. It is hardly surprising, then, that the most noteworthy response of Congress to the "hot" summer of 1967 was to pass the Crime Control Act of 1968.

The Commission's congressional score card might conceivably have been improved by a more calculated legislative strategy. The *Report*, for example, gives little recognition of the realities of gaining majorities in Congress for individual recommendations. Requests that involve only the extension or expansion of existing programs are not distinguished from policies encompassing more radical innovations. Increased funding for the rent supplement program or a provision for below-market interest rates to stimulate low-rent housing are recommended in the same fashion as a call for a redirection of urban renewal and public housing policies. Though all are within the competence of the Congress, the *Report* takes no account of the probable maturation time required before some goals are accepted by the Congress and the public. Nor does the *Report* bother, in most cases, to specify the kind of legislation necessary to implement its more far-reaching objectives. The Commission thus failed to convey the real separability of proposals or a sense of priority among them. To these self-imposed handicaps, must be added the unfortunate, though unavoidable, release time of the *Report*. The legislative schedule of Congress was already well set by March 1. Worse yet, the recommendations came to a Congress seeking to adjourn early for the fall presidential campaign. Only a sense of high urgency conveyed from the White House could perhaps have commanded greater attention among congressmen for the *Report*.

To a contemporary Congress that waits for the President to fill much of its legislative agenda, Lyndon Johnson's icy silence was decisive. Unless a President is prepared to engage his prestige and resources in the Congress, little important domestic legislation is likely to clear the plentiful congressional hurdles. Certainly, then, while Johnson remained President, it was doubtful that the Commission work would become a focal point of legislation. Evidently, both the rhetoric of the *Kerner Commission Report* and a number of its recommendations were embarrassing to the Administration. Johnson had directed the bipartisan Commission: "Let your search be free. . . . As best you can find the truth and express it in your report." Yet the President apparently did not anticipate a report that would reach such disturbing conclusions. The Commission had, after all, found that national and local leadership failed to come to grips with the causes of urban tensions. Despite the sincerity of Lyndon Johnson's fight for federal civil rights legislation and antipoverty programs, America's black and white society were observed as further polar-

izing. The battery of Commission recommendations for national action in many instances went far beyond similar proposals introduced to Congress by the Johnson Administration. To now champion a more ambitious and militant set of proposals was as risky as it was impractical. Administration endorsement of a report critical of the white middle class was doubtful strategy in an election year when George Wallace threatened to draw away resentful Democratic voters. The Administration also stood to endanger its own modest legislative program if it distracted Congress with the *Report*. The composition and mood of Congress had changed markedly since 1965-66. The strengthened conservative coalition in the House was certain to deny the Administration any legislative kudos.

By March, 1968, Viet Nam and not the streets of Newark or Detroit occupied center stage for the President and most other white Americans. Eugene McCarthy's New Hampshire performance was still a stinging memory for Johnson, and Robert Kennedy was gaining momentum as a challenger for the Democratic nomination. The senators' opposition to Johnson's war policies was a token of the shift of militant antiwar sentiment from the New Left to the broad Liberal Establishment. Significantly, it was spokesmen of the Democrats' Liberal wing who led the praises for the *Kerner Report* early in March. Whatever the President's renomination plans, he clearly was of no mind to put aside foreign policy differences with his critics in order to join hands in a renewed crusade against poverty and injustice.

Once Johnson on March 31 indicated his intention not to seek renomination, he also abdicated any possible future role in fostering the Kerner recommendations in Congress. With a successor only ten months away, there was little enthusiasm among legislators, even friends of the *Report*, for immediate consideration of specific Commission requests. The new President would be given an opportunity to shape his requests. Plainly, the *Report* would experience a strong revival if Robert Kennedy were elected that November. Many legislators were also content to defer action until the election results gave some sense of public mood in dealing with urban violence.

The comparatively "cool" ghetto summer of 1968 (and then 1969) lessened the sense of urgency the Commission had tried to convey in its *Report*. The largely pacified black communities strengthened arguments that violence could be contained by more vigorous and intelligent law enforcement. Whatever the truth to observations that black-white relations were continuing to deteriorate, black leaders appeared anxious to avoid further confrontation of the sort that gutted black neighborhoods in Washington, D.C., Detroit, and Watts. These developments, in effect, removed the sense of crisis that so often leads the Congress to override its natural biases against upsetting the status quo. The violence that did occur in 1968 and 1969 took the form of dramatic individual acts or was centered on college campuses.

Neither class of event was likely or hasten the attention of Congress to education, employment, housing, and welfare policies envisioned by the Kerner Commission.

Little that occurred in the 1968 election campaign gave notice that the *Report* would become a touchstone for domestic policies in the 91st Congress. The Republican platform failed to mention either the Kerner Commission or the OEO by name. At times, candidate Hubert Humphrey alluded to the *Report's* recommendations, but Richard Nixon as a campaigner ignored the *Report*. Few congressional candidates, moreover, featured an endorsement of the Commission's work in their campaigns. The national results, in themselves, predicted a cool reception for the *Report* in the next Congress. The election strengthened the ranks of conservative Republicans, especially in the House; and continued Democratic control of both houses assured no change of seniority leadership. Equally important, since majorities in the nation's major cities had rejected the Republican ticket, Nixon incurred no election debts to urban blacks. And a post-election as well as a pre-election "Southern strategy" militated against efforts to conciliate big-city blacks.

President Nixon's first seven months in office were notable for his few requests to Congress for new domestic programs. Advocates of the Commission's *Report* were instead engaged in several defensive battles. For high on the White House's list of objectives was the stripping of all operating responsibilities from the Office of Economic Opportunity and the transfer of these functions to old-line departments. More immediately, some programs, particularly the legal service to the poor, were to be placed under the veto of state governors. On the education front, the Nixon Administration sought, until blocked by the Supreme Court, to delay Southern school desegregation deadlines. Conservative monetary policies and a trim domestic budget were signs that the President hoped to cut back the funding on many current poverty programs. The Administration's decision to fight inflation with increased unemployment also carried a rejection of the Commission's proposals. The President's economic advisors were apparently prepared to accept the lay-off of newly trained or marginally employed blacks. Against this background, the Administration brought about a drastic reduction of Job Corps centers. To some of these policies the Congress gave its tacit consent; for others its active approval was required; in a few instances it refused to go along.

On the brighter side of the ledger, several bills that followed the spirit if not exactly the letter of the Kerner recommendations seemed likely of passage by the end of the first session of the 91st Congress. Interestingly, nearly all had the backing of the Nixon Administration. Legislation to expand the benefits and coverage of employment insurance cleared the House in mid-November. The House Labor and Education Committee reported a bill in early

November, already passed by the Senate, to extend programs under the Economic Opportunity Act of 1964. By late October the House had passed by a lopsided vote a housing and urban development bill that continued funding for urban renewal and Model Cities. A more generous Senate version, passed earlier in the month, also included rent supplement funding and a new program of public housing rental assistance. By December both houses were also well on their way toward agreement on a comprehensive tax reform bill that would remove many low-income families from the federal tax rolls. The House Ways and Means Committee began hearings in November on legislation to hike social security benefits. In other testimony before this Committee, a radically new welfare proposal came under consideration. More than any other legislation before the 91st Congress, this proposal contained the kind of full commitment envisioned by the Kerner Commission.

On August 2, 1969, President Nixon unveiled his long-heralded welfare report. In its broad outlook the President's proposed revision of the nation's welfare system bore some resemblance to the Kerner recommendations. The Nixon plan recognized the need to establish a minimum family assistance for all Americans. Additionally, it encouraged employment by providing a sliding scale of supplementary income for the working poor. The President's program stressed the need to lighten the financial burden now weighing so heavily on the states and localities and, accordingly, Congress was asked for an additional \$4 billion federal expenditure on welfare. The Administration and Commission plans thus almost converge on the idea that a thorough overhaul of the welfare system should begin with a uniform national standard of eligibility.

In some significant respects, however, the Nixon plan clearly departs from the Kerner recommendations. Constrained by their budget, the Administration sets an income floor at \$1,600 for a family of four, or less than half of the amount suggested by the Commission. No consideration is made, moreover, for geographic variations in cost of living, except as the states may provide in their contribution. Mothers of school-aged children are obliged, under the Administration proposal, to accept training or employment or jeopardize all benefits. To accomplish this, the Nixon plan seeks additional child day care centers and job training programs to be administered wholly by the states and localities. Meanwhile, the Office of Economic Opportunity would be reduced in authority to a "laboratory agency," limited to the research of new ideas to eliminate poverty. Also attached to the welfare proposal is the Administration's "New Federalism," a revenue-sharing plan designed to furnish the states block grants with no strings attached.

The Nixon welfare proposals face an uncertain future in the Congress. Initial congressional reaction was generally supportive. Yet in the weeks and months since the President's speech, the sources of opposition and the

grounds for objection have become more readily identified. Among the first to demur on the Nixon plan were the welfare rights organizations from the larger industrial states. They point out, and their congressmen and senators have taken up the complaint, that in hard cash terms the new plan sets basic allotments that are well below current monthly benefits. For the ghetto dweller in the North it will be of small improvement that the federal contribution to the state will increase slightly if his own benefits remain the same and he faces coercive pressures to accept a job. Only in states with low average monthly payments will the federal minimum assistance substantially improve the lot of the poor. In a final vote, however, most major city legislators may be expected to go along with the revisions, even at the presently proposed level of minimum family assistance. Once on the books and with the principle of federal responsibility firmly established, these congressmen can work to revise the formula for better treatment of the urban North.

Even while the largest increase in federal benefits would go to the South, Southern Democratic members of Congress cannot be counted as sure votes for the Nixon plan. Many will find it highly unpopular to vote large subsidies to rural blacks. Furthermore, any substantial improvement in the living standard of these blacks poses a direct threat to traditional Democratic political ascendancy in many areas of the South. To move impoverished blacks away from the subsistence level is to further undermine the politics of deference and fear that for so long kept blacks from the polls and out of the social life of their community. Southern Republican politicians might welcome action that could conceivably drive white Southern voters into the Republican party. Still, they may ponder whether aid to the Southern blacks might not revive a formidable loyalist Democratic party of blacks and whites.

Republican loyalists in the Congress would seem to be the front line of support for the Administration's welfare proposals. Yet the strong economy-mindedness of Republican legislators may lead some of them into the opposition camp. These legislators will probably stand with the Administration under only two conditions. The first is that the revenue-sharing plan remain a feature of the welfare legislation shaped in Congress. The Administration itself could defer this program should, for example, military spending continue to make heavy demands on the federal budget. A second contingency rests with the legislative leadership skills of the President which, until now, have not been impressive. Unless he is as convincing to Congress in 1970 as he was to the American public in August of 1968, many Republican congressmen and senators will prefer to reduce and not expand welfare coverage. The President's most formidable task will be to persuade his fellow partisans that unless the current tensions of the welfare system are checked, the repercussions may be felt well beyond the ghettos and depressed rural areas.

It is obviously too premature for a final evaluation of the *Kerner Report*

in Congress. The 19-month progress sheet was disappointing, but there was little reason to believe that the legislative process could be induced to move with greater dispatch. The apparent willingness of the 91st Congress to experiment with urban housing programs, its insistence that antipoverty programs be sustained, and its hard look at welfare reform give some cause for optimism. All the same, it seems safe to conclude that the ambitious attack on urban problems outlined in the *Report* is far from realization. The *Report* will, in all likelihood, be a poor reference to legislation in the 1970's. The lasting effect of the Commission's work may be its documentation of the violent events of 1967 and its discussions of their origins. In a search for solutions, however, the *Report* has probably kept alive the idea that these problems can yield to our will and ingenuity, and that our system of government has the capacity to resolve them. This contribution may turn out to be a notable legacy.

FUTURE RACE RELATIONS

NORTON E. LONG

The future of race relations in the United States is problematic. The National Advisory Commission on Civil Disorders (the Kerner Commission) described a society increasingly divided into two parts, separate and unequal. The black portion of this society, no longer accepting either the justice or the inevitability of its condition, is likely to exhibit mounting impatience, alienation, and in its militants, particularly its militant young, a resort to measures of desperation. Whites, alarmed at black and white youth, particularly campus confrontation tactics, and well-nigh panicked by fear of mounting street crime, are more and more inclined to turn from moderate and civil libertarian solutions to police measures that they hope may restore their sense of security and uphold conventional values. Neither blacks nor whites seem to have reached the point of no return. But the drift course seems ominous.

The Kerner Commission called for a massive program of government action to reverse the slide into separate hostile societies which its *Report* documented. Urban America, Inc., and the Urban Coalition produced a follow-up report entitled, *One Year Later, An Assessment of the Nation's Response to the Crisis Described by the National Advisory Commission on Civil Disorders*. This report documents that not only President Johnson, who appointed the Kerner Commission, but the nation and the subsequent Administration have failed to take it seriously. While the Kerner Commission's *Report* has sold many volumes and had a good press, it has failed to set in motion sustained political action of a character at all commensurate with the gravity of the nation's peril which the *Report* recites or the magnitude of the measures the *Report* finds necessary to meet that peril. The conduct of the Commission, and perhaps to a lesser extent the Commission's staff subsequent to the issuance of the *Report*, seems peculiarly uncalculated to convince their apathetic countrymen of the Commission's serious conviction of the gravity of the country's and their own danger. In this the Kerner Commission and its *Report* do not differ from a tradition of government report-writing.

With much that is sound and highly valuable, though by no means new in the *Report*, what emerged to the public as its essential message and diagnosis was "white racism" as the cause of the evil and the cancer whose removal was

a condition precedent to the curing of the ills of a "sick" society. There is a great popular attraction to diagnosing social problems as being due to sin and human wickedness. It has enormous appeal to the theologically inclined and the militant young. To proclaim wickedness and cast out devils is an ancient technology. We have used it with plagues, droughts, and even as late as 1929 with business depressions. However satisfying to those who get their kicks out of blame-placing or guilt feelings, it is a poor substitute for a competent social science. It is all too likely to lead to useless wallowing in guilt and moralizing instead of effective social action.

Tom Wicker, in his introduction to the *New York Times* edition of the *Kerner Report*, says, "This report can only provide, as its profoundly disturbed authors concede, 'an honest beginning' on a task that beggars any other planned social evolution known to human history." Neither Wicker nor the Commission suggests the political means by which this planned social evolution is to be achieved. This is another characteristic of report-writing, to call for programs that admittedly require revolutionary change without facing up to the political feasibility of such change. In fact, Wicker sees the political problem as a vicious circle in which you have to get rid of "white racism" to have the program and you have to have the program to get rid of "white racism." While Wicker concedes, with President Kennedy, that a journey of a thousand miles begins with one step, the concentration on the thousand miles is likely to make one or even quite a few steps seem so slight as to be scarcely worth taking. There is a well-nigh irresistible tendency to depreciate advances that are quite substantial in terms of past performances of the economy by measuring them against what may be Utopian yardsticks. As the A. F. of L. and C. I. O. point out in their publication, *The National Economy 1969*, "The unemployment rate for nonwhite adult men fell from 9.6 per cent in 1960 to 3.9 per cent in 1968." Again they show that "the median income on nonwhite families rose from \$3,233 in 1960 to \$5,141 in 1967, the most recent available information — up from 55 per cent of the median income of white families in 1960 to 62 per cent in 1967. A substantial gap in family incomes, but it was narrowing."

If one looks at the Labor Department figures that make it appear "that it requires well over \$9,000 a year to maintain a four-person family at merely a modest standard of living, with few luxuries in urban areas," this does not seem much to brag about. However, if we note that "the average non-supervisory worker in private employment in June, 1969, earned \$115.06 — with three dependents, his after-tax take-home pay was \$100.34," this gain takes on a significant comparative perspective. Looking at desirable goals or sympathetically stated needs, we may be led to unduly depreciate accomplishment or, what is even more dangerous, to direct our attention away from practical measures because of their apparent inability to produce Utopian

ends. The problem of stating goals in terms of needs rather than in terms of practically attainable objectives is well shown by Anthony Downs in his essay, "Moving Toward Realistic Housing Goals," contained in the Brookings Institution's volume, *Agenda for the Nation*. Downs makes the point forcefully that the Johnson housing goals of 26 million units in ten years, while justified in terms of needs, are radically unfeasible unless we are prepared to devote as much energy to their attainment as we did to winning World War II. As Downs argues, the unrealism of these goals is likely to lead to cynicism and frustration on the part of those taking them seriously. Housing spokesmen, however, will say you have to radically overstate goals to get anything. One wonders.

Herman Miller, in his *Rich Man Poor Man*, pointed out the fallacy of those who, like Arthur Burns, had proclaimed a successful revolution in which poverty had been banished from American society. However, while Miller showed that Burns' revolution had expired some twenty or more years since, in the Eisenhower years, he made it clear that World War II and the Korean War had been the most successful years of Negro advance that we have seen and that the stagnation of the nation's growth in the Eisenhower epoch had been a disaster to Negroes. In some ways, since we should have known better than to permit it, it was even worse than the catastrophe of the Great Depression. The lesson of World War II, the Korean War, and the Eisenhower years needs to be emphasized: a sustained high level of growth with a demand for labor on the part of employers that forces them to recruit the hard core, to redesign jobs, and to upgrade their present employees, creating an updraft of employability, has been our most effective means of bringing Negroes into the main stream. As Lee Rainwater has maintained, only a recurring experience of employment and its reinforcement has shown much capacity of breaching the culture of poverty and shaping its members to continuous functioning in the main stream. What this suggests is that a full employment policy is a major means of making progress in race relations.

It is little short of a tragedy that the inflation attendant on our attempting to fight a major war with neither appropriate taxes nor price and wage controls has caused the adoption of a set of anti-inflation policies that are likely to set back both our Negro employment and housing objectives. If it is remembered that Negro unemployment, even in good times, is the equivalent of what would be regarded as unbearable depression by whites, one gets some sense of the probable impact of an anti-inflation policy designed to damp down the economy through unemployment. Unless the ancient and proven rule that Negroes are the last to be hired and the first to be fired is miraculously disproved in the present instance, current policies may well do incalculable damage to the efforts to increase Negro employment. This is not

only a serious matter for Negro adults but far more so for Negro youth. The A. F. L. and C. I. O. publication, *The National Economy 1969*, points out that "the unemployment rate among the rapidly growing number of non-white teenagers was 25 per cent in 1968 — slightly worse than in 1960." This is precisely the group from which many of the rioters were recruited and from which many of the militants and their support are drawn. Whatever one may think of the Cloward and Ohlin theory of delinquency and opportunity, the older nonsociological version, "the devil makes mischief for idle hands," has considerable force. To make employment drastically difficult for the most crime-prone element in the population and then counter the predictable result by increasing the repressive power of the police seems only calculated to increase our difficulties.

Prime interest rates of 8 per cent and sharply rising land costs are not only going to stifle any significant addition to moderate and low-income housing for the present, but they are likely to build into the economy a level of costs that will make well-nigh impossible of attainment down-the-road housing goals. The attempt to pin the responsibility for high housing costs on labor, whatever its sins, when on-site labor costs, according to the Kaiser Commission, amounts to but 4-5 per cent of rental or sales housing costs, 10 per cent if interest on the labor cost of the investment is considered, is clearly unwarranted. Since housing and employment are two of the most important areas for the improvement of race relations, our inability to follow a selective rather than a blunderbuss approach to inflation control may be the most serious threat to a practicable policy for the improvement of the Negro condition and race relations. It may also, by aggravating Negro youth unemployment and the disaffection of Negro youth, produce an increase in both crime and violence. The dangers of such an eventuality giving rise to a repressive police type reaction by dominant elements in the white society is already apparent. The violent conflict between Black Panthers and police are a preview of scenario foreseen in both the report of the Kerner Commission and Skolnick's, *The Politics of Protest*.

Some who are impatient with recent progress may regard the likely results of the anti-inflation policy as merely of a piece with what they regard as the failure of American society to carry out the massive programs recommended by the Kerner Commission. However, while the Kerner Commission calls for willingness on the part of the society to tax itself heavily to redistribute resources, a full employment policy and a selective policy of anti-inflation measures makes no such demand on public altruism, nor does it require the revolutionary politics that more than rhetorically revolutionary politics require if they are to be seriously pursued.

One Year Later, the report of Urban America, Inc., and the Urban Coalition, makes clear that not much of the Kerner Commission's recommendations

have been acted on. Indeed, in its macroscopic aspects a case can be made that the Negro condition has worsened rather than improved. It is frequently pointed out that schools are more segregated than before *Brown v. the Board of Education* and that housing is more segregated than before the open housing legislation. In addition, it has to be recognized that while Negroes have improved their position absolutely, their relative position has failed to show equal improvement. It is in terms of the standards of the televised world of the dominant society that welfare is measured. Health indicators such as infant and maternal mortality show a painful divergence between the performance of the two societies. Looking at the indicators of housing and education and those of relative deprivation, it might well seem that there was reason for despair and that the extremists who claim the system is radically incorrigible have good reason for their view.

Whether or not one takes such a view depends on whether one believes that the breaks that have occurred in the color bar are merely insignificant examples of tokenism or whether, on the contrary, one views these breaks as significant breaches that under favorable conditions will widen rapidly. The most prestigious institutions in the society — colleges, corporations, suburbs, governments — now have Negroes in them. The numbers may be small; but small or not, they may be sufficient to erode the legitimacy of Negro exclusion in white as well as Negro eyes. This is certainly true among the elite of the young in the elite institutions. A black beauty queen candidate making it to the finals of a University of Alabama contest and to the suite of the queen can be seen as trivial or as highly consequential in the process of overcoming white color shock. Glazer and Moynihan, in *Beyond the Melting Pot*, saw the Negro as following with more difficulty the old ethnic trail. Charles Tilly and others have pointed to reasons for thinking the differences were more than those of degree. Hopefully this is not the case. If what the Kerner Commission calls for is indeed necessary, it is probably beyond the power of American society as presently constituted.

What is possible in the context of our existing society is a change in the elite-approved set of values. Looked at from the point of view of the massive governmentally sponsored changes advocated by the Kerner Commission, the entrance of a few Negroes into elite positions in corporations, colleges, and suburbs may seem pitifully small. However, if this is viewed, not from a quantitative point of view, but from the qualitative one of a change in the social signalling system, its importance could far outweigh the numbers immediately involved. Integration at the bottom can occur by compulsion, under duress of either economic or political coercion, but integration at the top, even if small, can come from the moral suasion of the Kerner Commission and Tom Wicker's *New York Times*. Such integration as occurs by changing the symbols of legitimacy can have a profound impact if it is permitted to alter

the existing slotting system of role allocation. Thirty years ago Orientals were at the bottom of the role structure; today, despite a war and Japanese internment camps, they have moved ahead of whites. There are major differences between the social structure of the Negro and the Oriental ghetto, but the Oriental's experience gives some hope that massive social change, even in the face of prejudice, is possible without massive government action.

Elite acceptance of a transformation of the position of Negroes in the role structure can legitimize that transformation and in doing so facilitate the operation of the economy through which profound transformations occur with far less resistance than would be faced by an attempt to bull it through the formal political structure. This is why, at a time when top colleges and corporations are legitimizing the transformation, it is little short of tragic that anti-inflation policy should be throwing a monkey wrench into the gears of a full employment economy. With an expanding economy it is possible, as it was in World War II and the Korean War, to accommodate Negro upward mobility without serious threat of displacing whites. It is possible to justify Negro employment and upgrading as necessary to meet labor market demands rather than as an exercise of white atonement for white guilt. Experience in World War II and the Korean War suggests that, however distasteful to theologians and the New Left, this is a more promising avenue than the exploitation of the guilt feelings of "white racism." A contracting economy, one that may even see declining employment accompanied by a rising cost of living, is one to exacerbate all the hostilities in the society.

Such an economy may indeed be felicitous for a Southern strategy and a return to the traditional verities of Neanderthal economics and Neanderthal politics. If blue-collar workers are fearful of losing their jobs they may, as in the past, turn on Negroes as enemies of their security. If Negro youth is even more massively unemployed and underemployed than is presently the case, crime, violence, and the Panthers are likely to be the alternatives to dope and despair. A stagnant economy is likely to provide a further source of alienation to white youth and to lead to continuing resort to disruption and confrontation. Violence on the part of blacks and campus youth has begun to bring about what Skolnick calls the politics of protest on the part of the police, who no longer seem content to occupy themselves with bread and butter unionism but are entering the political arena on behalf of their values. A public that is torn between backing a strategy of police repression or one of enlarged opportunities as an appropriate solution is likely to see security with the police if violence rises.

The future of race relations would seem to depend on white leadership and white attitudes and black leadership and black attitudes. As of the moment, it seems clear that official white leadership sees the perils of inflation as more serious than any perils its anti-inflation measures may have for race

relations. The official leadership seems ill disposed to even consider selective anti-inflation measures that might have less harmful impact on Negro employment. White business leadership is more divided on the present official course. It does not seem as yet to be seriously concerned about the impact of official policy on race relations. The A. F. of L. and C. I. O. at the official level have sounded the alarm for the likely reason that their own members are going to pay a price and because they have already had to fight off George Wallace. The papers are full of news about Black Panthers and the police. What may give more pause is when a Negro leader such as Whitney Young in a generally optimistic book, *Beyond Racism*, says the following: "Well over 150,000 black veterans have returned home and more are on the way, and they share that attitude. They're bitter and they are angry — and they are skilled in the arts of war and the techniques of guerrilla fighting. It would be insanity for America to continue to treat them the way their fathers were treated. They won't stand for it."

America seems like a dirty mine. It might go for years without blowing up or, like Centralia Number Five, take the business-as-usual, no-nonsense politicians painfully by surprise. Unfortunately, we are all more or less in the mine though our pose is that of innocent bystanders and, more to the point, safe spectators. The massive measures that the Kerner Commission recommended would require socializing the society, at least where the Negro is concerned. Despite the attractions of the rhetoric of expunging "white racism" from the American conscience, it is doubtful that there is any likelihood of our taking the revolutionary political action necessary to make the revolutionary changes recommended. What might be possible is through elite action so to change the value structure at the top of the society as to bring about a profound change in the Negro's self valuation and the society's valuation of the Negro. For this to succeed, however, we can ill afford policies that depress the economy and may well succeed in bringing on depression. Whether we shall have the wit and the will to avoid this and get on with the business of using a managed full employment economy to solve the avoidable poverty of blacks and whites is unfortunately, at this writing, doubtful indeed.

THE POSSIBILITIES FOR POLITICAL CHANGE

MICHAEL PARENTI

A question pressing upon us with increasing urgency is, What are the possibilities for political change in America? More specifically, can the political system serve as a means for effecting the substantive reallocations needed to solve the enormous problems created within and by our socioeconomic system? What can we hope will be done about the continued plunder and pollution of our natural resources, the growth of a titanic military-industrial establishment, the massive concentration of corporate wealth and all its ensuing abuses, and the widespread infestations of rural and urban poverty? What kinds of solutions are in the offing and, indeed, what kinds of definitions do we bring to the idea of "solution"?

Part I

Before considering the possibilities of political change, let us give some critical attention to the usual ways of approaching social problems. Social scientists and lay commentators alike have commonly assumed that solutions are arrived at by a process of systematic investigation. By identifying all the salient variables and then constructing paradigms which unravel the complex interactions of these variables, we can equip ourselves with inventories of causes and resources and develop strategies for solution. The remaining task would be to convince the decision-makers to push the buttons provided by the social scientists. It is expected that the human stupidity and inertia of political actors would deter the implementation of certain proposals, but decision-makers are thought to be as hungry as anyone else for viable programs and sooner or later would not be unresponsive to the promises of science.

This scientific view of social problems presumes that decision-makers are as immune to the pressures of power and interest as scientists are, or as scientists think they are. What is missing from this scientism is the essence of politics itself, an appreciation of the inescapability of interest and power in determining what solutions will be deemed suitable, what allocations will be thought supportable and, indeed, what variables will even be considered as "interrelating" and "salient." The presumption that there is a scientifically discoverable "correct" solution to problems overlooks the fact that social

problems involve conflicting ends and often irreconcilable interests and value distributions; thus one man's "solution" is often another man's disaster. A "correct" proposal for some political actors is one which resolves the threat of an opposing interest without causing any loss of privilege, profit, or status to oneself. This is why the first instinct of established interests is so often toward halfhearted reform and wholehearted repression ("law and order"). For other advocates, a "correct" program is one calling for nothing less than momentous reallocations in the substance and process of the entire productive system (a remedy which offers a kind of paradigm that usually escapes the serious attentions of most liberal middle-class social scientists).

Unlike mathematical problems which might be resolved by procedures and rules exogenous to the life subjectivities of various mathematicians, the solutions to social problems cannot be treated except in the context of vested and conflicting interests which give vested and conflicting definitions to the problem. This is true whether the question is rebuilding the ghettos or withdrawing our troops from Viet Nam: the solutions are potentially "at hand" or "nowhere in sight," depending on the ideological priorities and commitments of various proponents.

The scientific approach presumes that problems exist because of the prevailing ignorance of the would-be problem-solvers rather than because of the prevailing conditions of power among social groups. But, again, unlike mathematical problems which begin and end on paper, it goes without saying that social problems are never resolved by study but by action. Many of the social ills we live with have been studied repeatedly, but since they have not yet been resolved it is assumed by the proponents of scientism that they need further study. Here we have an uncharacteristic instance of social scientists pretending to an *ignorance* they do not really possess. For the last thing some of our problems need is further study. Witness the hundreds of studies, reports, surveys, and exposés done on Appalachia by a variety of commissions, committees, economists, and journalists, extending back more than half a century.¹ Neither history nor the historians have "by-passed" or "neglected" the people of Appalachia. The material forces of history, in this case the timber and mining companies that swindled and coerced the Appalachians out of their lands, exploited their labor, and wreaked havoc on their lives, were all too attentive to the destinies of that region even though they were never held accountable for the social costs of their actions. The plunder and profit which is the history of the region has been duly documented, yet Appalachia is still treated today as a kind of historical mishap, an impersonal and presumably innocent development of the "changing times," a "complex situation" needing our concerted attention.

¹ See Harry M. Caudill, *Night Comes to the Cumberlands* (Boston: Little, Brown, 1962), for the best of many of the more recent studies of Appalachia.

Similarly, the plight of the urban poor in various western industrial societies has been studied and documented by official and unofficial sources for more than a century, and in recent decades we have traced the web of interests, the private and public forces, North and South, at the national and local levels, which have contributed to, and perpetuated, the black ghettos. The story is well known to us, but our discoveries have brought forth no solutions.

To be sure, the first step toward remedy is to investigate reality. But eventually if no second step is taken, no move made toward action, then the call for "a study of the problem" is justifiably treated as nothing more than a symbolic response, an "appropriate reciprocal noise," designed to convey the impression that decision-makers are fulfilling their responsibilities.² The commissioned "study" becomes an act which violates its own professed purpose: rather than inducing change, it is designed to mitigate the demands for change. Appearing before the Kerner Commission, the psychologist Kenneth B. Clark noted:

I read that report . . . of the 1919 riot in Chicago, and it is as if I were reading the report of the investigating committee on the Harlem riot of '35, the report of the investigating committee on the Harlem riot of '43, the report of the McCone Commission on the Watts riot.

I must again in candor say to you members of this Commission — it is a kind of Alice in Wonderland — with the same moving picture re-shown over and over again, the same analysis, the same recommendations, and the same inaction.³

By incorporating Clark's admonition into its pages the *Kerner Report* may have achieved the ultimate in cooptation, for it, itself, is a prime example of that kind of official evasion and obfuscation designed to justify the very status quo about which Clark was complaining. The *Kerner Report* demands no changes in the way power and wealth are distributed among the classes; it never gets beyond its indictment of "white racism" to specify the forces in the political economy which brought the black man to riot; it treats the obviously abominable ghetto living conditions as "causes" of disturbance but never really inquires into the causes of the "causes," viz., the ruthless enclosure of Southern sharecroppers by big corporate farming interests, the subsequent mistreatment of the black migrant by Northern rent-gorging landlords, price-gorging merchants, urban "redevelopers," discriminating employers, insufficient schools, hospitals and welfare, brutal police, hostile political machines and state legislators, and finally the whole system of values, material interests and public power distributions from the state to the federal

² See Murray Edelman, *The Symbolic Uses of Politics* (Urbana: University of Illinois Press, 1964), for an explanation of the ritualistic and control functions of political acts.

³ Clark's testimony is quoted in the *Report of the National Advisory Commission on Civil Disorders* (New York: Bantam Books, 1968), p. 29. ("Kerner Report.")

capitols which gives greater priority to "haves" than to "have-nots," servicing and subsidizing the bloated interests of private corporations while neglecting the often desperate needs of the municipalities. The *Kerner Report* reflects the ideological cast of its sponsors, the Johnson Administration, and in that sense is no better than the interests it served.⁴

To treat the *symptoms* of social dislocation (e.g., slum conditions) as the *causes* of social ills is an inversion not peculiar to the *Kerner Report*. Unable or unwilling to pursue the implications of our own data, we tend to see the effects of a problem as the problem itself. The victims, rather than the victimizers, are defined as "the poverty problem." This is what might be described as the "VISTA approach" to economic maladies: a haphazard variety of federal, state, and local programs are initiated, focusing on the poor and ignoring the system of power, privilege, and profit which makes them poor. It is a little like blaming the corpse for the murder.

Part II

In looking to the political system as a means of rectifying the dislocations and abuses of the socioeconomic system, we are confronted with the unescapable fact that any political system, including one which observes democratic forms, is a system of power. As such, it best serves those who have the wherewithal to make it serviceable to their interests, those who have control of the resources of money, organization, jobs, social prestige, legitimacy, time, and expertise — the resources which command the attention and responses of political decision-makers. The solution to our problems, then, rests on the ability to mobilize power dedicated to serving the ends of those who are most in need of change. But the groups most needful of substantive reallocations are, by that very fact, most deprived of the necessary influential resources and least able to make effective use of whatever limited resources they do possess. If the poor possessed the material resources needed to win substantive pay-offs, they would not be poor and would have less need to struggle for values which the economic and political systems readily allocate to more favored interests. This is the dilemma of lower strata groups: their deprivation leaves them at the low end of any index of power and their relative powerlessness seems to ensure their continued deprivation.

The representative institutions of a democratic system, however, are explicitly designed to make some allowance for the power of numbers, and if the poor have nothing else they at least have their numbers. But numbers are not power unless they are organized and mobilized into forms of political action which promise to bring some pay-off to potentially sympathetic decision-

⁴ See Andrew Kopkind's excellent critique of the Kerner Commission, "White on Black: The Riot Commission and the Rhetoric of Reform," *Hard Times* (No. 44, September 15-22, 1969), pp. 1-4.

makers or some punishment to recalcitrant ones. And the mobilization of potential numerical strength requires the use of antecedent resources. Just as one needs the capital to make capital, so one needs the power to use power. This is especially true of the power of numbers which, to be even sporadically effective, requires substantial outputs of time, manpower, publicity, organization, knowledgeability, legitimacy and — the ingredient that often can determine the availability of these resources — money. The power of numbers, then, is an influence which is highly qualified by material and class considerations.

Furthermore, although the poor in America represent a substantial segment of the population, conservatively estimated at 35 to 40 million people, they are still a minority. Therefore, even when mobilized for electoral participation they might have but a limited impact; this seems especially true given the split between black and white poor. The power of numbers can more readily serve the majority which identifies itself with the "haves," especially when the political parties, those instruments ostensibly designed to mobilize and register the polyarchic will, are in the hands of unsympathetic established interests whose overriding concern is to maintain their own positions in the ongoing "equilibrium."⁵

Lacking the kind of bargaining resources that would make decision-makers readily responsive to them, and therefore lacking influence within those "proper channels" which prove so serviceable to better-endowed interests, the dispossessed do what they have always done when finally moved by that combination of anger and hope which is the stuff of protest: they try to establish new paths to the loci of power with the only resources they have: their voices, their bodies, their buying power, their labor, denunciations and demonstrations, sit-ins and scuffles, boycotts and strikes, the threat of disruption and actual disruption. The scarcity of resources and the instability of organization which limit their ability to mobilize their voting power also limit the effectiveness of their protest actions. Nevertheless, the last decade has witnessed a growing tendency among deprived groups to heed the old populist dictum to "raise less corn and more hell," to embark upon actions which sometimes inconvenience the normal arrangements of middle-class life and often upset middle-class sensibilities.

That is the idea, to inconvenience and upset. By increasing their nuisance value, the dispossessed hope to achieve a greater visibility for themselves and a greater sense of urgency in the public mind for their plight. Also, to the ex-

⁵ For two studies of the ways local political parties work to defeat, discourage and exclude the poor see Philip Meranto, "Black Majorities and Political Power: The Defeat of an All-Black Ticket in East St. Louis," in Herbert Hill (ed.), *The Revolt of the Powerless* (New York: Random House, 1970) and Michael Parenti, "Power and Pluralism, A View from the Bottom," in Marvin Surkin and Alan Wolfe (eds.) *The Caucus Papers* (New York: Basic Books, 1970).

tent that direct actions are indeed a nuisance and disruption, they can be used as a leverage when dealing with decision-makers: direct action is an attempt to fabricate bargaining resources and create situations of *quid pro quo*, thereby inducing through crude means a responsiveness from officialdom which the business community accomplishes through more effective and less strenuous channels.

There are several signs that dissident groups may be reaching a new stage of development. There is evidence of growing militancy among deprived interests: the blacks, Mexican-Americans, and other racial minorities. Also, there are slight traces, very slight, that in places like Detroit and Chicago, black and white ethnic community leaders are beginning to join forces in protest action.⁶ Should the lower-strata whites ever overcome their obsessive fear and resentment of blacks, and begin to redirect their discontent against those who own and control so much of the world they inhabit, then protest in America might well develop a class consciousness more closely approximating class realities. Finally, since Viet Nam, a feeling of disenchantment has grown among the more literate segments of middle-class America, of whom college students are the most active and largest element; while making common cause with the grievances of lower-strata groups, some middle-class whites are also beginning to question, in the fashion of militants, the whole quality of life in America.

Yet we should neither overestimate the potential strength of protest groups nor underestimate the repressive, coercive, and preemptive capacities of the present system of politico-economic power. From election laws to property laws, from city hall to federal bureaucracy, from taxation to "welfare," government helps those who can best help themselves and this does not mean those wanting and needing fundamental changes. The use of police power, the control of institutions, jobs, and property, the ability to discredit, obfuscate, delay, and "study" (what Richard Neustadt calls the "almost unlimited resources of the enormous power of sitting still")⁷ are all in the hands of the powers that be. Moreover, when local, state, and federal officials contend that the problems they confront are of an order far greater than the resources they command, we might suspect them of telling the truth; for, in fact, the major decisions concerning the vast substantive allocations made in our society are commanded by the private sector of the economy, and the economic institutions of a capitalist society are not held accountable for the enormous social costs of their profit system.

It is no longer a certainty that we shall be able to solve our social ills by working with the same operational values and within the same systematic

⁶ See William Greider, "Poles, Blacks Join Forces in Detroit," *Chicago Sun-Times*, October 12, 1969, p. 10.

⁷ Richard Neustadt, *Presidential Power* (New York: John Wiley, 1960), p. 42.

structures that have helped to create them. It does seem that we have seldom appreciated the extent to which the political system responds to, and indeed, represents, the dominant interests of the socioeconomic system, and also how frequently political structures are simply bypassed by a corporate economy which significantly shapes the quality of our material lives while in most respects remaining answerable to no one. A more realistic notion of how power is allocated and used in the United States should leave us less sanguine about the possibilities for political change.

Unless there is a widespread transition in the political consciousness of America that will allow us to call to account the ways in which the wealth of this nation is produced, distributed, and used, we have no reason to hope that the "guardians of the public trust" will stop behaving like the servants of the dominant private interests, and no reason to presume that our political institutions will prove "viable" in treating the tragic life situations faced by many millions in this country. Given the "three R's" of politics: Reform, Repression, and Revolution, it can no longer be taken as an article of faith that we are moving toward the first.

SPEECHES

THE KERNER COMMISSION: ERRORS AND OMISSIONS

MACK H. JONES

When black people took to the streets in 1967, striking out against the forces of oppression, President Johnson declared a National Day of Prayer and appointed a commission on riots. At the time, one wag observed that it would have made just as much sense had the President reversed himself and called for a study of prayer and a National Day of Riots. A year or so later, a black judge and member of a similar presidential commission, the Commission on Violence, suggested a moratorium on commissions and a commitment to action. The learned judge, of course, was adding his voice to those who argue that commissions are appointed to deal with the politics of volatile situations rather than with the situations themselves. The Kerner Commission, in my estimation, was no exception. It was a political expedient of the moment and in spite of the idealistic commitment of some of its members and staff people (including those of the latter who were fired for apparently taking their jobs too seriously), its *Report* was destined to go the way of many similar reports — grist for theses and dissertations and fodder for conferences such as this one. Thus, I find it a bit ironic that we are gathered here for what has been called a revisit to the *Kerner Report* with the implied assumption that the *Report* was a prescription for social action. I would have chosen the terminology “post-mortem” and left off the assumption.

Nevertheless, in spite of my feelings about the barrenness of the *Report* as a prescriptive document, I am pleased to join you in this discussion because I am hopeful that by focussing on the Commission in terms of what it said and what it did not say and how it managed not to say certain things we may be able to identify some of the crucial concerns in what has been euphemistically called race relations. In the next few minutes, then, I want to discuss the *Kerner Report* by drawing on my biography as a black man and a member of an oppressed group, an activist and veteran of the civil rights movement, a self-proclaimed member of the black liberation struggle, and lastly and perhaps least significantly, as a professional social scientist. I want to look at the *Report* both in terms of what it said and what it failed to say, and I want to relate all of that to the reality of the black struggle as I understand it. I would then like to close with some comments about the implications

of this for the future course of race relations, which is to say, of course, the future of American society.

Let us begin by ascertaining what the Commission said. The basic argument, which has by now become a household phrase, was that the widespread and unprecedented urban insurrections were the outgrowth of white racism. More specifically, the Commission argued that white racism was responsible for the rise of an explosive mixture, and that the mixture, in turn, led to the rebellions. Among the components of that volatile mixture the Commission included, *inter alia*, pervasive discrimination in employment, education, and housing; black in-migration and white exodus; black ghettos; frustrated hopes from unfulfilled expectations resulting from great legislative and judicial victories; a climate which tends to approve of white violence and lawlessness directed toward those seeking social and political change; feelings of frustration and powerlessness; police as symbols of white power and oppression; and a new mood among black youth. The Commission couched its findings with what was accepted as an ominous warning that American society was becoming a country of two unequal factions, one white and one black.

Although I would quarrel with the verb form — is becoming — because, consistent with the will of the white majority, American society has always been one of two separate and unequal factions, the accuracy of the Commission's findings are beyond reproach. However, these findings do not come over very well as discoveries. The listing of the abject conditions under which black Americans live was little more than affirming the obvious. Any moderately intelligent human being who spends a day or two within these shores must sense the racist disposition of America and the colonial-caste system under which blacks are obliged to live. Indeed, these conditions have been adequately documented in scores of books, journals, and government reports. That oppressed people react to such oppression in volatile ways is common knowledge to anyone with even the slightest interest in comparative social movements.

For example, to reinforce but not belabor the point being made here, United States Government statistics have long suggested that the overall economic plight of American blacks is little better than that experienced by the country at large during the years of the Great Depression. That is a very important piece of information and cannot be overemphasized; it answers a host of questions which both liberals and acknowledged racists are prone to raise. During the longest sustained boom in the history of the American economy its black *subjects* have enjoyed a *recession*. What do you suppose white Americans would have done had the abysmal conditions of the thirties not been reversed? Singing praises to the government and pouring libations to the corporations? I doubt it.

At any rate, the foregoing were the major findings of the Kerner Com-

mission. That is essentially what it said. What it did was to reduce to elegant and provocative language what many of us had known and been saying all the time. Thus, the only real value in having the Commission restate these concerns was to give legitimacy to them by enshrouding them with the imprimatur of the National Government. However, even that asset dissipated when the President and the Vice President, as well as Congress, ignored its recommendations and indirectly, if not directly, questioned the accuracy of the Commission's findings.

So much for the findings. Let us turn to our main task — assessing the Commission's errors and omissions. The major fault of the Commission is that it stated its propositions in such general universal language that the whole society was indicted — not that it should not have been; but by doing so in such fashion and in such language the responsibility and guilt of individuals and groups were rendered more obscure rather than clear and specific. The thrust of the Commission's *Report* could be summed up as "Everybody is guilty, but no one is to blame."

Given the political nature of the Commission, essentially a status quo group working within the ideological constraints of the very structure against whom the insurrectionaries were presumably rebelling, we should not have expected more. Indeed, some of the reputed inside stories on the Commission claim that the "liberal" faction included persons such as Roy Wilkins of the NAACP and Herbert Jenkins, Chief of Police, Atlanta, Georgia, two gentlemen who have not been distinguished by their ability to understand radical behavior. The real tipoff to the status quo orientation of the Commission is to be found in the two advisory panels which were established to facilitate the Commission's work. What were the two panels? One dealt with insurance and the other with private enterprise. Enough said.

Returning to the Commission and its errors, the *Report* assigned culpability to white racism, but it made no effort to connect specific behavior patterns of white Americans to white supremacy as a major tenet of western civilization. It would have been helpful had the Commission defined racism in a way which would have allowed white individuals and groups to understand — if there are those who do not — when they are performing racist acts and the implications of these acts for their black compatriots.

Let me indicate what I mean. As Frank Joyce¹ has pointed out, to say that American society is permeated by white racism is to say that most whites are taught, deliberately or thoughtlessly, that they are better than nonwhite people. Whether deliberately or thoughtlessly, the implications for black people are the same. Racism has nothing to do with the nature of one's affective response to black people. Just as one may either love or detest, say,

¹ Frank Joyce, "Racism in the United States," in Priscilla Long, ed., *The New Left* (Boston: Porter Sergeant, 1969), pp. 128-50.

dogs without questioning one's feelings of superiority toward them, so it is with regard to white racism and black people. A white racist may either love or detest blacks and react paternalistically or malevolently to their presence. It does not matter. He is a racist if he believes that whites are superior to nonwhite people.

To say that American society is racist is also to say that it is organized to insure the superordinate position of whites. The introduction of the phrase "organized to insure" is very important, because it allows us to assign culpability both individually and institutionally by placing individuals and groups in their organizational context. The question becomes, What role does this individual or institution play in maintaining the subordinate position of the oppressed black American? What does he do to maintain the racist order? Any act which serves to either enhance the superordinate position of the whites or thwart the liberation aspirations of oppressed blacks is a racist act. Such acts may be intended or unintended, conscious or unconscious, benevolent or malevolent, hostile or friendly; it does not matter. Acts are racist because of their impact, not because of the intentions of their perpetrators. For example, whenever public officials such as those assembled here support measures which enhance the position of whites at the expense of blacks or when they fail to support measures designed to facilitate black liberation they are performing racist acts. The political realities of the situations—group pressures, party obligations, re-election concerns and the like—notwithstanding, such acts would be racist.

Had the Commission indulged itself in this kind of analysis we should have been at least on the road toward singling out in a specific sense the racist tendencies of individuals and groups who run this country. Time will not permit further elaboration, but my point should be clear; it is the acts of individuals as individuals and individuals as parts of corporate structures which the Commission referred to in a collective sense as white racism.

A second important failing of the *Report* was that it failed to put white racism in a systems context so that we can see who benefits directly and materially from American racism. I am talking about the economics of racism. Such analysis, it seems to me, must by definition precede any attempt to devise even the most tentative prescription for change. However, from the *Kerner Report* one could infer that either all whites benefit equally or that they all suffer equally from racism in this country. The truth is that white racism has a highly differentiated impact in the white community. Only a small number of the white majority realize immediate material gains while the remainder must content themselves with psychic payoffs for their racism (of course, to the extent that all social phenomena are related all whites profit from racism, but I am talking about direct material rewards). Any prescriptive solutions, especially those which make demands upon the time

and wealth of the man in the street must take this differentiated impact into account. I shall come back to this point later.

Since the Commission did not do so, let us raise this question now. Just who benefits directly and materially from white racism in America? To answer this question we may divide white society into three groups, the dirty workers,² those whites above the dirty workers in the pecking order of society, and the remainder of the white population. Dirty workers are those whites (and some blacks) who are hired or hire themselves to administer, contain, and control blacks in their colonial-like environment. These include welfare workers, policemen, public prosecutors and judges, bail bondsmen, bill collectors, the rapacious operators of retail outlets in the black community, loan sharks, landlords, real estate brokers, and — in many respects — teachers and clergymen. To these we might add the rapidly burgeoning bureaucracy of the various and sundry poverty programs along with the dispensers of foundation largesse. Dirty workers, as the term implies, perform their tasks in the interest of white society as a whole. White society expects the dirty workers to keep blacks in line.

Those whites above the dirty workers in the pecking order are those who either own or have interest in the more legitimate enterprises which traffic heavily in the black community, as well as those who hire black labor at sub-standard wage rates. Their profits from racism appear on their balance sheets along with their profits from their other activities. The function of the dirty workers is essential to the success of the second group. Both they and the dirty workers benefit directly and materially from white racism. However, taken together these two groups constitute only a small portion of the total white population. The third group is really a residual category which includes the vast majority of whites. Persons in this group receive no direct material rewards from their racism. Indeed, the masses of working-class whites are so impotent, so powerless, that they have few opportunities to parlay their racism into material benefits.

At this point the logical question would seem to be, If so few people benefit materially and directly from white racism, why is the problem so intractable? Well, the Commission could have dealt with that and it was remiss for not doing so. The Commission could have asked, "To what extent is the colonial-caste system under which black Americans live functional for maintaining the present socioeconomic order?" Or more bluntly, "To what extent is white racism functional in our neo-Keynesian quasi-capitalist economy?" Of course we know that the decision to bring blacks to this country in the first place was an economic one. Slavery was an important variable in the development of our economy. We need to raise the question as to whether that initial relation between the black presence and the economic system has changed. There are at least some indications that the answer may be negative.

² This interpretation of the dirty workers is also taken from *Ibid.*

For example, at the moment we seem to be on the threshold of a deliberately induced recession. And, of course, the brunt of the downturn will be borne by blacks and other marginal workers. Keep in mind that during the moments of greatest prosperity, the black community *enjoys a recession*. The important question I am raising here is what would be the effect of, and the reaction to, such deliberately induced recessions if there were no black underclass to bear the brunt of them. My guess is that it would not make life less difficult for governments and the other major institutions of society. I find the foregoing to be obvious yet profound questions whose answers are essential to any discussion of alternative strategies for ending the race problem. If the Commission had explored these somewhat revolutionary questions, it would have broken new ground and laid the basis for a dialogue on the implications of certain economic and political structures for the future course of race relations. However, as we have already noted, such was not to be. The Commission was content to propose what amounted to nothing more than a warmed over version of the much discussed domestic Marshall Plan, even though it has never been taken seriously by those in positions of power and trust. Even if such recommendations were taken seriously, there are convincing reasons to question the efficacy of such a scheme, for underlying the Marshall Plan idea is the notion that the race problem can be solved without basic structural changes. As I have already intimated, such cannot be taken for granted.

What else did the Commission say, or rather not say? Let us turn to that most important chapter dealing with police and community relations. The Commission was quite candid in discussing the feeling among many blacks that the police is the enemy, the agent of an alien and oppressive force. Nevertheless, the Commission could have dealt with this problem also in a more thorough fashion. The Commission did not raise the fundamental question, *viz., in the context of the American socio-political-economic system, what is the role of the police vis a vis the teeming black urban communities? What does the broader society expect the police to do about the black community? Does society envisage the police as protectors of the black community, or does society look upon the police as dirty workers, as their protectors from the black community?*

Since the Commission did not adequately deal with these questions and since police-community relations may be the most volatile issue in the entire equation, it may be worth our while to dwell on it a moment. What are the answers? I am inclined toward the view that the inarticulate but well understood and widely accepted mandate to the police is to "keep the niggers in their place." The media are full of examples which reinforce this argument. One incident which occurred during the rebellions of 1967 serves as a very graphic example. It was reported that when looters spared the windows of

stores identified with the sign "Black owned," authorities on street patrol gratuitously broke the windows of the store fronts which had been spared by the looters. Such behavior suggests very strongly that the authorities see themselves involved in a struggle between blacks and whites rather than between the lawless and the law. Granted isolated examples do not make general laws, I still find that example very instructive. Similarly instructive is the example of New York police attacking members of the Black Panther Party as the latter reported for judicial business on city property. And, of course, so is the current violent campaign against militant black groups. My files on police-community relations reveal numerous other examples. There is one of the open defiance of the black mayor of Cleveland, Ohio, when his police felt that he was being soft on the "niggers" and another indicating similar police behavior when a black judge in Detroit, Michigan, moved to protect the constitutional rights of black citizens in that city. To go on would be to belabor the point which, by now, should be clear: the police are perceived by many, including many of their own, as dirty workers.

Finally, let us explore the Commission's errors regarding the new mood in the black community. The Commission discussed what it entitled "Black Power" in little more than two pages. The major thrust of this part of the *Report* was the argument that the new mood in the black community was really old wine in new bottles, and that therefore it represented a retreat from integration and confrontation with racism. This may have been the greatest disservice of the entire *Report*, because while black power may be old wine in new bottles, the Commission had both the wrong wine and the wrong bottles. The new mood in the black community is a function of the intensification of the old argument between nationalists and integrationists which has been going on in the black community since the days of Frederick Douglass and Martin Delany. These two currents have always been present in the black community. Historically, those blacks espousing integrationism as an ideology have allied themselves with forces in the white community, and as a result the black liberation struggle has always been controlled in varying degrees by whites. Meanwhile, those who accept nationalism as the optimum sustaining ideology for the black struggle have always constituted an isolated and relatively impotent minority with little or no standing in their communities. The new mood which the Commission tried to deal with with its "wine-bottle" analogy is really an indication that the followers of integrationism as an ideology are losing out to the nationalists. Although this development is more pronounced among the young, it is taking hold in every sector of the black community. Leronne Bennett,³ Senior Editor of *Ebony* and perhaps the most capable contemporary historian of the black movement, refers to this as the unveiling of the veils. He suggests that as successive panaceas—in-

³ *Ebony* (August, 1969).

cluding integrationism — are tried and proven barren, the black struggle moves to a different level of struggle. Integrationism, the argument goes, has been proven barren and the dialectic has ushered in a stage of nationalist rebellion characterized by the ascendancy of nationalists and nationalism.

This interpretation of the new mood among blacks is very important and ought to be given careful consideration by those who have decision-making authority in this society, because if it is valid and should the trend toward nationalism continue, America will be faced with the choice of making fundamental concessions or opting for total suppression of blacks, because once nationalism takes hold it is doubtful that a people will continue to passively accept a life as a half-free people.

Having come this far in my forboding, yet honest, analysis, I want to close with some thoughts on the future course of race relations in America. Since the *Kerner Report* was issued almost two years ago, as the background papers for this conference demonstrate, things have gotten worse for black people. Social welfare programs are being cut; the Nixon-Mitchell Administration is obviously unfriendly toward the black liberation struggle; hostile forces have been sent to city halls and state houses in alarming numbers; police forces around the country have stockpiled monstrous arsenals to pacify black communities; the McClelland subcommittee has published more than 20 volumes, including police mugshots, on radical groups paving the way for quick identification and perhaps elimination;⁴ demographers tell us that black in-migration to the cities will continue, and we do not need demographers to tell us that whites will continue to run to the suburbs. Thus, cities are likely to become impoverished islands inhabited by nationalist-oriented black people and surrounded by affluent suburbs inhabited by nationalist-oriented white people.

And add to that cauldron a new and volatile variable and we have a sobering glimpse of the future. The new variable is direct competition and conflict between blacks and working-class whites. In the past, the era of the civil rights movement, the major thrust of the black movement was toward symbolic goals, goals which could be satisfied by legislative and judicial decisions, tokenism, and a few individual rewards. Although such concessions aggravated the more rabid whites, they cost the average white man nothing more than his abused sense of superiority. The future will be different. Contemporary and future goals of the black movement cannot be met on individual and symbolic bases. They can be met only through very expensive, both materially and psychologically, compensatory programs based upon group considerations, programs which single out blacks as special objects of *society's attention and treasures*. The white worker who has not benefitted

⁴U.S. Senate, Permanent Subcommittee on Investigations, *Hearings, Riots, Civil and Criminal Disorders*, 90th Congress, 1st Session. See especially Part 20.

directly and materially from his racism and who sees himself as being in the same economic straits as the dispossessed and powerless blacks can be expected to revolt, especially when he is being asked to pay part of the bill.

However, I hasten to add that I see no evidence that any government is prepared to advocate such compensatory programs and rile the white worker. Politicians have "discovered" the white worker and his political worth (the silent majority, forgotten American, middle American), and begun appealing to him and his fears with an eye on future election returns.

Where does this cauldron lead? The implications are both ominous and obvious. If anyone can reverse this trend, and I am not very optimistic on this score, it is you, men of power and wealth in this society. The hour is late; as existentialist men, the choice is yours.

RIOT COMMISSIONS AND POLITICAL CHANGE

DAVID J. OLSON

I am pleased to address my remarks tonight to the topic chosen for discussion by the Illinois Assembly. To revisit the Kerner Commission some 22 months after its findings were made public is not only appropriate but necessary if serious consideration is to be given to this society's capacity for meaningful response to the fundamental domestic problem of guaranteeing black Americans equity. Many public officials, scholars, and concerned citizens are similarly engaged in reviewing what progress has been made on the race relations front over the past two years. Their inquiries have been stimulated by the repeated occurrence of racial violence and the demonstrated refusal of white authority figures and structures to listen to this form of political protest. The more sober analyses consistently conclude on a highly pessimistic note regarding this society's response capacity. A typical representative here is the study "One Year Later" by Urban America and the Urban Coalition which charts the movement of America in the direction most feared by the Kerner Commission: two separate and unequal societies, one black and one white.

To read the background papers for this conference is to be struck by a similarly uniform agreement among the various authors on the absence of changes in the social, economic, and political status of black Americans since the release of the Kerner Commission's *Report*. A few authors admittedly do chart some minor changes that have occurred since the *Report's* release on March 1, 1968. But these minor changes are exceptions to the more general pattern in which the status quo has been reinforced. The isolated exceptions noted fall only at the margins and are, at best, small increments in a setting that all authors seem to agree demands basic and fundamental change.

The Kerner Commission's *Report* projects three alternative action courses available in the aftermath of civil violence in the 1960's. These include continued pursuit of *present policies*, *ghetto enrichment*, or *integration*. It is clear from the background papers at this conference and from other analyses that our society has not pursued policies of ghetto enrichment nor has it opted for the Kerner Commission's choice of policies consistent with integration principles. Rather, we have continued to pursue what were present

policies during the Kerner Commission's deliberations to a greater extent than the other two options available. But even this description is not a totally accurate picture of what has transpired in race relations since the recent civil disorders. If anything, the previous policies have been intensified and reinforced by the politics of polarization, by augmented social control forces, and by increased private arms sales to fearful and threatened whites and blacks.

Why has this response pattern prevailed rather than alternative ones suggested by the Kerner Commission? Why have status quo or punitive policies triumphed at the expense of ameliorative solutions aimed at the source of recent civil disorders? Why have the Kerner Commission's recommendations been spurned in favor of short-term suppressive measures? This conference appropriately raises the issue of what obstacles have prevented the latter and encouraged the former kinds of responses. The background papers point to a number of obstacles to fundamental change within selected policy areas. But what is missing in all this discussion, may I suggest, is an assessment of the role riot commissions themselves play in fostering or preventing meaningful political change. If we are serious in revisiting the Kerner Commission, then some attention to riot commissions' role in stimulating or blocking political change is called for.

The primary perspective of my presentation is that riot commissions represent obstacles to fundamental political change. I do not mean to suggest by this that riot commissions have a monopoly on obstructing changes demanded by blacks and some whites after civil disorders have subsided. Nor do I mean to suggest that the obstacle riot commissions represent is entirely of their own making. I do mean to suggest that riot commissions are devices by which dominant power interests deflect demands for power redistribution in the aftermath of civil violence. My argument is that as deflection devices, riot commissions remove immediate pressures for meaningful action and, in long-range terms, are basically unable to accomplish a redistribution of power for reasons inherent to all riot commissions.

The regularity with which mayors, governors, and presidents appoint ad hoc riot commissions immediately after civil disorders is impressive if not surprising. Any survey of riot commissions from 1917 to 1943 and again from 1964 to 1969 results in an impressive catalogue of official investigative bodies. But this should not be surprising in view of the position political executives find themselves in when their city, state, or nation experiences race riots or civil disorders. In the immediate aftermath of cataclysmic racial violence, political executives are faced with demands for meaningful action but lack ready recourse to resources for responding to those demands. But ad hoc, temporary, or advisory commissions are one alternative available to all political executives. Creating such commissions gives the appearance, moreover,

of doing something meaningful about the massive disruptions that have interrupted the city, state, or national politics as usual. But it also does something more. It holds out the promise that, after serious investigation, programmatic recommendations will be advanced to remedy the causes of racial violence. The failure of past and recent riot commissions to fulfill that promise represents an important obstacle to fundamental political change in this society.

Riot commissions are fairly consistently charged with three primary tasks: to answer questions concerning what happened, why it happened, and what can be done to prevent racial violence from happening again. The task of thoroughly investigating the first and second questions leads to expectations that riot commissions will provide an accurate, factual, and literal account of events that transpired during civil disorders and of causes that gave rise to disorder events. But these expectations are fulfilled rather irregularly. For example, the McCone Commission incorrectly described what happened in the 1965 Los Angeles riot as "formless," "senseless," and "hopeless" violence "engaged in by a few" and then went on to attribute the riot's cause to disrespect for law and to "brutal exhortations to violence." Contrast this account with the Mayor's Development Team in Detroit which saw the disorder there as a form of protest that resulted from long-standing grievances concerning police, housing, employment, and education policies. The irregularity of such disparate conclusions is attributable to constraints that are generic to riot commissions as organizations.

Three primary constraints on riot commissions' ability to speak accurately to questions of what happened and why it happened may be identified. First, riot commissions lack adequate time and resources to accomplish a thorough research effort on riot events and causes. The Kerner Commission and the Governor's Commission in New Jersey had less than three months to conduct research while the McCone Commission and the Mayor's Development Team had even less time than that to carry out their research effort. Resources for complex research were similarly insufficient, as each of the riot commissions failed to receive funds and manpower initially promised them. Second, riot commissions' ability to speak forcefully and accurately to riot events and causes is limited by the political environment into which their reports are released. Determining what can be said in a politically acceptable way often supersedes the presentation of factual accounts. The quest for political truth at the expense of literal truth about riot events and causes is a characteristic common to all recent riot commissions to a greater or lesser degree. Third, the membership composition of riot commissions influences the content of final reports in important ways. Members are selected because they represent prestigious and dominant institutions that give importance and visibility to riot commission activities. But these same institutions represented usually had some association with riot events or causes. The inability of institutional representatives to

accurately report the nature of that association is a self-evident limitation on riot commissions' quest for literal truth.

The above-described internal constraints impinge on riot commissions' ability to fulfill the first two tasks usually assigned to them by political executives. But it is the third task of formulating measures designed to prevent racial violence from recurring that is most important in the present consideration. Its importance derives from expectations that programmatic recommendations advanced by riot commissions will have an impact on public policy and will stimulate meaningful change in the status of black Americans. Expectations that riot commission recommendations will be implemented historically have not been and contemporarily are not being fulfilled. The absence of an impact by riot commission recommendations is not simply an accident. Rather, it can best be explained as a consequence of inherent constraints built into riot commissions as organizations.

Riot commissions are relatively powerless organizations. By their very titles they are "*select commissions*," "*study commissions*," or "*advisory commissions*." After creation by political executives, riot commissions are not given formal powers to bring about the implementation of their recommendations. Such recommendations remain as purely suggested or advisory measures unless riot commissions are able to form supportive relations with interest groups or other key officials that result in the conversion of recommendations into public policy. Thus, riot commissions adopt a variety of strategies to overcome their relatively powerless status in order that their recommendations might be implemented. But limitations on strategies pursued in the implementation process are sufficiently numerous and consequential to constrain riot commissions' ability to influence public policy in the race relations area. For the remainder of this presentation I shall concentrate on limitations inherent in riot commission strategies to (1) maximize their reports' visibility, (2) monopolize legitimacy in interpreting civil disorders, (3) reassure aroused groups, and (4) anticipate needs of public officials.

An initial strategy of riot commissions to overcome their powerlessness is to seek maximum visibility for their reports in the hope that such visibility will further their recommendations in the implementation process. To this end, riot commissions pay significant attention to the audience addressed in their report and consciously attempt to gain coverage of their reports through press conferences involving considerable fanfare as their reports are released. But this strategy may backfire. The mass media in New Jersey overplayed that riot commission's passing reference to official corruption in Newark at the expense of discussing issues more central to the riot phenomena. Similarly, the national press concentrated on the Kerner Commission's reference to "white racism" in a manner inconsistent with the relative emphasis given that term in the Kerner Commission *Report*. Thus, unintended and unantici-

pated consequences of seeking maximum visibility for commission reports may involve the mass media's playing up controversial but relatively minor aspects of commission reports.

A second strategy for increasing the likelihood of recommendations being implemented is for riot commissions to claim a monopoly on legitimate interpretations of civil disorders. That is, if riot commissions can establish their interpretation of civil disorders as being correct, the probability of their recommendations derived from those interpretations being accepted is increased. But alternative interests that may not be represented on riot commissions frequently contest the validity of official commission interpretations. "Competing riot commissions" are formed by antagonistic interest groups for purposes of advancing counter-claims on how the disorder events are to be interpreted. The competing riot commissions attempt to undermine the kinds of interpretations advanced by official riot commissions. For example, the McCone Commission's conservative reading of the 1965 Los Angeles disorder was immediately challenged by a more liberal reading from the California Advisory Commission of the United States Commission on Civil Rights. Similarly, the New Jersey commission was challenged by a state Policeman's Benevolent Association commission and the Kerner Commission generated a competing investigation from the McClellan Committee. These competing commissions employ many of the same strategies and tactics as official riot commissions in manipulating the symbols of legitimacy. The difference between the two forms of commission activity is that official commissions are usually of a temporary nature and lack an on-going base of support, whereas competing commissions arise from powerful interest groups that are permanently established to influence public policy. Competing investigations by antagonistic interests significantly undermine the second strategy of riot commissions to further their recommendations in the policy arena.

Offering reassuring statements to otherwise aroused groups is a third strategy by which riot commissions attempt to augment their power status. Dispelling popular rumors and myths while at the same time interpreting disturbing disorder events in the context of traditional American beliefs gives riot commissions the appearance of bodies with which most citizens can identify. But riot commissions at the same time must advance programmatic recommendations that, by their very nature, are politically controversial and therefore will alienate some citizens. The contradiction between the reassuring function and the programmatic function is basic and inherent in the riot commission process. While some citizens or groups may be quieted by reassurances forthcoming from riot commissions, these same citizens may be aroused into opposition by the controversial nature of programmatic recommendations that are at odds with their political interests. The publics to whom commission reports are addressed may be relatively united in agreement on

fundamental precepts of the American belief system, but quite divided on how those precepts are translated into public policy recommendations. The inability of riot commissions to reassure divided publics in their recommendatory function is a consequence of the degree to which such recommendations favor some interests and disadvantage other interests. Thus riot commission strategy aimed at reassuring aroused publics is basically incompatible with the issuance of controversial programmatic recommendations.

A final strategy adopted by riot commissions is to anticipate the political needs of key officials in the governmental process. One tactic here is to treat lightly the riot-related behavior of political executives, most of whom are involved in riots to the extent that mayors, governors, and presidents command the social control forces that suppress racial violence. Such command activities may be a subject for riot commission review. The virtual absence of criticism of political executives appears to be a consequence of riot commissions' dependence on these same officials for the implementation of their recommendations. Beyond not commenting on executives' riot-related behavior, riot commissions adopt perspectives that are meant to "fit" the political needs of elected officials. Thus the New Jersey commission set a target date of January 1, 1968, for the release of its report so that the Governor would have its recommendations for consideration in his annual message to the state legislature. Similarly, the Kerner Commission adopted the President's "message on the cities" as a framework for some of its programmatic recommendations, anticipating that this would coincide with his legislative goals. The expectation here was that the President would use the Commission's recommendations as a tool for furthering his own domestic program. The problem with this strategy is that it is a one-way street. That is, riot commissions are forced to adopt perspectives of the executive, but they have no assurance that political executives will pick up the recommendations and pursue them. President Johnson's reception, or lack thereof, of the Kerner Commission *Report* illustrates the dependency this strategy involves riot commissions in. Anticipating the needs of critical political executives does not insure that such executives will further riot commission recommendations.

Each of the above-reviewed external strategies involves inherent constraints that prevent riot commissions from implementing their recommendations in the political process. Kenneth Clark observed as much in his testimony before the Kerner Commission when he recalled that reading riot commission reports of the past was like "Alice in Wonderland — with the same moving picture re-shown over and over again, the same analysis, the same recommendations, and the same inaction." But, as demonstrated above, the failure to implement recommendations of riot commissions is not so much a failure of riot commissions *per se* as it is a commentary on the larger political system's intransigence and inability to meet demands of black Americans. If

riot commissions are not necessarily a willful party to this politics of intransigence, how can they be viewed as obstacles to fundamental change as they were described at the beginning of this discussion?

Riot commissions are essentially conservative devices by which political executives remove pressure from themselves for meaningful and immediate action by consigning racial problems to study. At the point of their creation, riot commissions are given considerable visibility and attributed importance by political executives. Mayors, governors, and presidents search out the offices of powerful interests for representatives to study the conditions leading to riots and hold out the promise that programs generated by commissioners designed to diminish the incidence of riots in the future will be enacted. But the program recommendations advanced by riot commissions are usually not adopted by those same political executives creating the commissions. After considerable passage of time while riot commissions have deliberated on what kind of report to adopt, the previous demands and political arousal necessitating the creation of riot commissions have faded and more stable patterns of political interaction have been restored. In this setting of politics as usual, political executives are effectively able to ignore commission recommendations that they previously had promised to attend to. Recognizing this situation, riot commissions may attempt to influence critical actors in the political system to accept their findings and program proposals. But riot commissions normally fail in this effort because they have no apparent constituency, no ready support system, and no formal, legal sanctions to deploy against other political actors and groups. Their advisory and temporary status precludes successfully playing the pressure group politics game. But more importantly, and tragically, threats posed by civil disorders to given political power groupings and dominant interests are conveniently deflected in an immediate sense and defeated in an ultimate sense by riot commission activities. Riot commissions function to literally study American racial problems to death.

AUTHORS

AUTHORS

- J. MYRON ATKIN, Dean, College of Education, University of Illinois
- DAVID J. BORDUA, Professor of Sociology, University of Illinois
- WALTER FRANKE, Professor of Labor and Industrial Relations, University of Illinois
- GENE GRAHAM, Professor of Journalism, University of Illinois
- MACK H. JONES, Professor and Chairman, Department of Political Science, Atlanta University
- THOMAS KITSOS, Research Associate, Institute of Government and Public Affairs, University of Illinois
- NORTON E. LONG, Professor of Political Science, University of Illinois
- PHILIP MERANTO, Assistant Professor, Institute of Government and Public Affairs, University of Illinois
- MICHAEL MURRAY, Assistant Professor of Political Science, University of Illinois at Chicago Circle
- DAVID J. OLSON, Assistant Professor of Political Science, Indiana University
- MICHAEL PARENTI, Visiting Associate Professor, Institute of Government and Public Affairs, University of Illinois
- JOSEPH PISCOTTE, Assistant Professor, Institute of Government and Public Affairs, University of Illinois
- MERLIN TABER, Professor of Social Work, University of Illinois
- MARVIN WEINBAUM, Associate Professor of Political Science, University of Illinois

PARTICIPANTS AND STAFF

PARTICIPANTS AND STAFF

Mr. WAYNE F. ANDERSON
City Manager
Evanston

Professor J. MYRON ATKIN
Dean
College of Education
University of Illinois, Urbana

Mr. VERNON BARKSTALL, Exec. Dir.
Urban League of Champaign Co.
Champaign

Mr. CHARLES L. DANCEY
Peoria Journal Star
Peoria

Mrs. ORVILLE FOREMAN
Jacksonville

Professor WALTER H. FRANKE
Institute of Labor and Industrial
Relations
University of Illinois, Urbana

Mrs. IRVAN GALVIN
Chicago

*Mr. LEWIS GOLD
Instructor, Department of
Political Science
University of Illinois, Urbana

Professor GENE S. GRAHAM
Department of Journalism
University of Illinois, Urbana

Professor ROBERT HEIFETZ
Department of Urban Planning
University of Illinois, Urbana

*Indicates round-table chairmen

Dr. JAMES B. HOLDERMAN, Exec. Dir.
Board of Higher Education
Springfield

Mr. EDWARD HOLMGREN, Exec. Dir.
Leadership Council for Metropolitan
Open Communities
Chicago

Mr. JACOB JENNINGS
Board of Higher Education
Chicago

Professor RICHARD M. JOHNSON,
Head, Department of Political Science
University of Illinois, Chicago

Mr. DAVID KEENE
Mayor
Carbondale

*Professor LYMAN A. KELLSTEDT
Department of Political Science
University of Illinois, Chicago

Mr. CHARLES J. KOMAIKO
Allstate Insurance Co.
Northbrook

Mr. KEITH LAPE
Office of Superintendent of
Public Instruction
Springfield

Mr. BARNETT LARKS
Asst. Chief, Downstate Operations
Illinois State Employment Service
Chicago

Mr. ROBERT LENHAUSEN
Director Dept. of Local Govt. Affairs
Springfield

Mr. HAROLD LISTON, Editor
The Daily Pantagraph
Bloomington

*Professor MICHAEL A. MURRAY
Department of Political Science
University of Illinois, Chicago

Mr. ROGER W. NATHAN, Exec. Dir.
Illinois Commission on Human
Relations
Chicago

Representative JAMES D. NOWLAN
Toulon

Mrs. ATHAN PANTSIOS
Chicago

Professor MICHAEL PARENTI
Institute of Government and Public
Affairs
University of Illinois, Urbana

Mr. EDWARD PARSONS,
Assoc. Exec. Dir., Welfare Council
of Metropolitan Chicago
Chicago

Representative DANIEL M. PIERCE
Highland Park

Professor JULIAN RAPPAPORT
Department of Psychology
University of Illinois, Urbana

Representative LELAND H. RAYSON
Tinley Park

Mr. ROBERT A. STALLS, Director
Carbondale Model Cities
Carbondale

Representative PAUL STONE
Sullivan

*Indicates round table chairmen

Dr. JACK VAN DER SLIK
Political Science Research Fellow
Illinois Legislative Council
Springfield

Mr. GEORGE WARNEKE
Senate Municipal Corporations
Committee
Chicago

Professor NORBERT WILEY
Department of Sociology
University of Illinois, Urbana

Dr. FRANKLIN D. YODER, Director
Department of Mental Health
Springfield

Professor HOWARD M. ZIFF
Department of Journalism
University of Illinois, Urbana

Guest Speakers

Professor MACK JONES, Chairman
Department of Political Science
Atlanta University
Atlanta, Georgia

Professor DAVID J. OLSON
Department of Political Science
Indiana University
Bloomington, Indiana

Chancellor JACK PELTASON
University of Illinois
Urbana

Staff

Director SAMUEL K. GOVE
Professor PHILIP MERANTO
Mrs. JEAN BAKER

Reporters

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Mr. DENNIS JUDD
Mrs. ALISON LAURIAT



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